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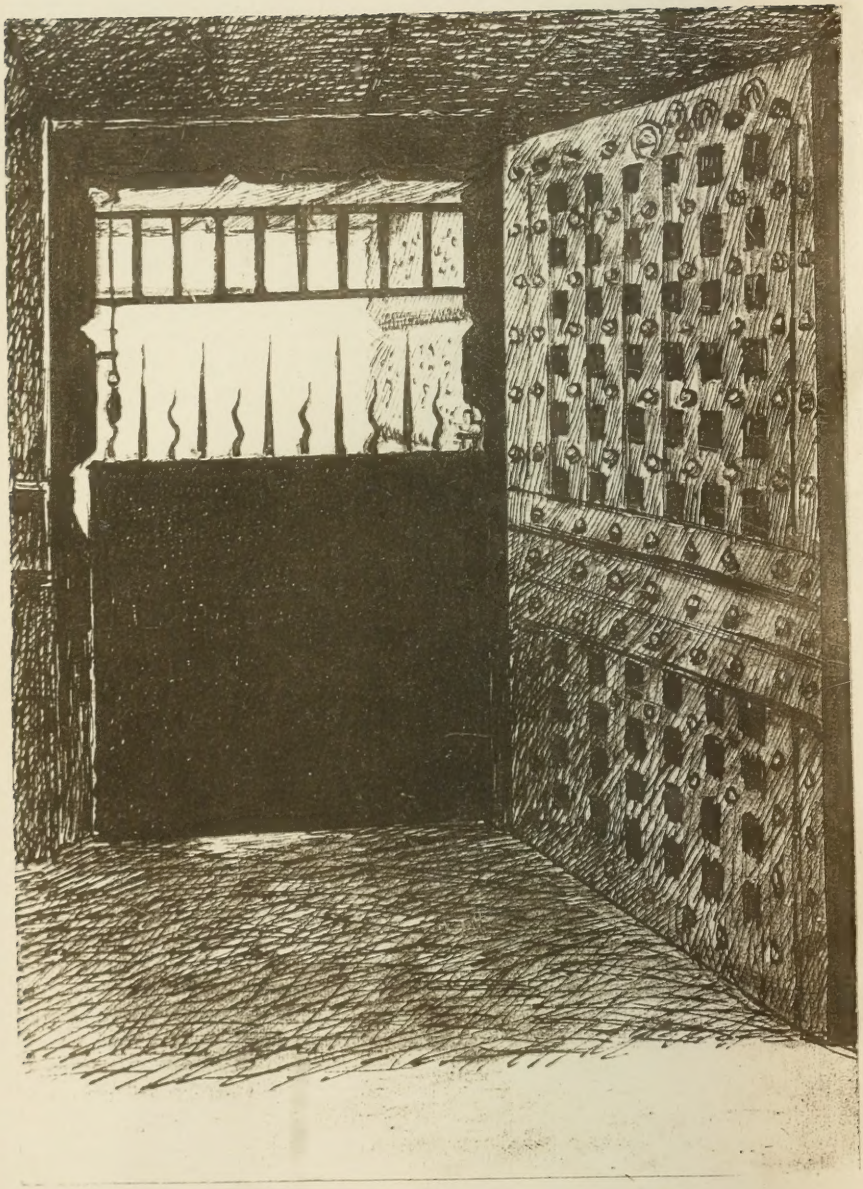

The Prison Gate.

THE

CHRONICLES OF NEWGATE

BY

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AUTHOR OF "THE MEMORIALS OF MILLBANK," ETC., ETC.

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140

PREFACE.

When I undertook the work of which these two volumes are the result, I scarcely realized the extent of the task before me. Now at the termination of my labours, which have extended over a period of nearly five years, I cannot give my work to the public without regret that it has not been accompanied by deeper study and more widespread research. But I have, in truth, been almost overwhelmed by the mass of materials at hand. These always increased enormously with every digression, and I found at length that I *must* be satisfied with what I had instead of seeking for more. Even with this restriction I have often been compelled to reject much, to epitomize and perhaps unduly abbreviate what I have used. A really copious and detailed

history of Newgate would be a most voluminous affair. This well-known prison, which has stood for centuries upon the same site, is in itself an epitome of the criminal history of England ; to have traced its chronicles down from epoch to epoch, closely and minutely, would have been wearisome to the reader. There is a family resemblance in crimes in all ages ; when, therefore, the more prominent cases have been selected for description, a general impression will have been conveyed of the whole. I have followed this principle throughout, and have endeavoured to present a general, but not too detailed, picture of the various criminal periods through which Newgate has passed.

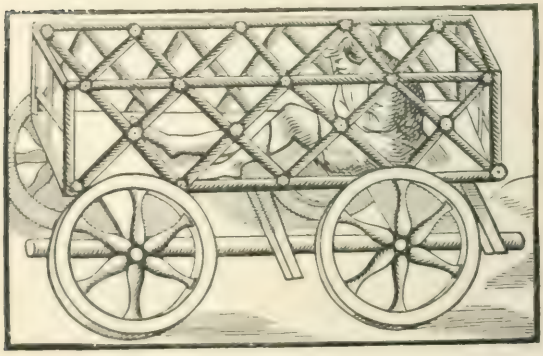
But the claims of Newgate on the public interest are not limited to the melancholy histories of those whom it has held in durance. Newgate, as the annexe of the Old Bailey, or great criminal law court of this city, has ever been closely connected with the administration of justice in this country. In its records are to be read the variations of our Statute Book. We may trace at Newgate the gradual amelioration of the penal code, from the days of its

pitiless ferocity, to the time when, thanks to the incessant protests of humanitarian and philanthropist, a milder system of punishment became the rule. All this has found more than a passing mention in my pages. Again, Newgate, the city jail, the chief prison of the chief town in the kingdom, might have been expected to lead the van in prison reform; that it remained constantly, from the first and almost to the last, one of the worst-kept prisons in the kingdom, reflects but little credit upon those responsible for its management. The fact, however, that crying evils were constantly present in the great jail, brings Newgate at once into close connection with the whole subject of prison reform. To represent Newgate as it existed even before Howard commenced his crusade, and long afterwards, has naturally, therefore, fallen within the scope of my work. Nor have I confined myself strictly to this prison, but I have endeavoured to trace the slow progress of improvement throughout the whole country from first to last.

I cannot conclude these brief remarks without adding a few words of thanks to those who have

assisted me in my undertaking. I have received much valuable information from Sidney Smith, Esq., the last Governor of Newgate; from Mr. Mapperson, its last chief warder; and from many other officials of the prison. But most of all am I indebted to my friend, William Linton, Esq., formerly Governor of Petworth and Nottingham prisons, who has long rendered me the most cordial assistance and co-operation. I am also very grateful to my friend, Colonel Goff, for many of the original illustrations which embellish the book.

November, 1883.



CONTENTS OF VOL. I.

PAGE

INTRODUCTORY CHAPTER 1

CHAPTER I.

MEDIÆVAL NEWGATE 22

CHAPTER II.

NEWGATE IN THE SIXTEENTH CENTURY 60

CHAPTER III.

NEWGATE IN THE SEVENTEENTH CENTURY (DOWN TO THE GREAT FIRE) 96

CHAPTER IV.

NEWGATE IN THE SEVENTEENTH CENTURY (AFTER THE GREAT FIRE) 143

CHAPTER V.

IN THE PRESS-YARD 199

CHAPTER VI.

EXECUTIONS 231

CHAPTER VII.

PAGE
ESCAPES 286

CHAPTER VIII.

THE GAOL CALENDAR 317

CHAPTER IX.

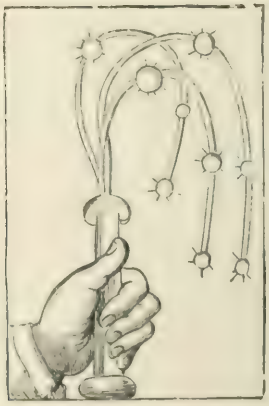
THE GAOL CALENDAR (*continued*) 375

CHAPTER X.

THE GAOL FEVER 424

CHAPTER XI.

THE NEW GAOL 454



LIST OF ILLUSTRATIONS.

VOL. I.

	PAGE
THE PRISON GATE	*Frontispiece*
THE GAOLER	5
THE THEW, OR PILLORY FOR WOMEN	33
ANCIENT PILLORY IN PARIS	*To face* p. 36
PORTRAIT OF RICHARD WHITTINGTON ... ... ,,	54
DEATH-BED OF WHITTINGTON	57
SKEFFINGTON'S GYVES	75
TORTURE IN THE TOWER	*To face* p. 76
THE TORTURE OF THE BOOT	81
HENRIETTA MARIA DOING PENANCE AT TYBURN ...	*To face* p. 112
THE GATE	145
"MULLED SACK"	173
TITUS OATES IN THE PILLORY	193
ROBERT OCKAM IN THE PILLORY	235
IN THE TORTURE CHAMBER	*To face* p. 246
THE NEW GALLOWS IN THE OLD BAILEY ... ,,	283

PAGE

MR. AKERMAN 307

FARO'S DAUGHTERS 335

BACK PREMISES OF THE KEEPER'S APARTMENT ... *To face* p. 338

ARRESTING THE HANGMAN ON A CHARGE OF MURDER ... 358

JAMES MACLANE 400

WILLIAM PARSONS 408

NEWGATE IN FLAMES ... ... *To face* p. 468

CHRONICLES OF NEWGATE.

INTRODUCTORY CHAPTER.*

Brief survey of Newgate—The first gaol—Its antiquity—Its inmates and general condition—Whittington's prison—Rebuilt after the Fire—Misgovernment, neglect, and injustice—Capital convicts and executions—First dawn of reform—A new Newgate built by Dance—State of interior continues deplorable—Mrs. Fry—The first inspectors of prisons—Amelioration long insisted upon introduced at last—Newgate closed in 1880.

In antiquity and varied interest Newgate prison yields to no place of durance in the world. A gaol has stood on this same site for almost a thousand years. The first prison was nearly as old as the Tower of London, and much older than the Bastille. Hundreds of thousands of "felons and trespassers" have from first to last been incarcerated within. To many it must have been an abode of sorrow, suffering, and unspeakable woe, a kind of terrestrial inferno, to enter which was to abandon every hope.

* This chapter originally appeared in the 'Fortnightly Review,' June 1882.

Imprisonment was often lightly and capriciously inflicted in days before our liberties were fully won, and innumerable victims of tyranny and oppression have been lodged in Newgate. Political troubles also sent their quota. The gaol was the halfway-house to the scaffold or the gallows for turbulent or short-sighted persons who espoused the losing side; it was the starting-place for that painful pilgrimage to the pillory or whipping-post which was too frequently the punishment for rashly uttered libels and philippics against constituted power. Newgate, again, was on the high road to Smithfield; in times of intolerance and fierce religious dissensions numbers of devoted martyrs went thence to suffer for conscience' sake at the stake. For centuries a large section of the permanent population of Newgate, as of all gaols, consisted of offenders against commercial laws. While fraudulent bankrupts were hanged, others more unfortunate than criminal were clapped into gaol to linger out their lives without the chance of earning the funds by which alone freedom could be recovered. Debtors of all degrees were condemned to languish for years in prison, often for the most paltry sums. The perfectly innocent were also detained. Gaol deliveries were rare, and the boon of arraignment and fair trial was strangely and unjustly withheld, while even those acquitted in open court were often haled back to prison because they were unable to discharge the gaoler's illegal fees. The condition of the prisoners in Newgate was long most deplorable. They were but scantily

supplied with the commonest necessaries of life. Light scarcely penetrated their dark and loathsome dungeons; no breath of fresh air sweetened the fetid atmosphere they breathed; that they enjoyed the luxury of water was due to the munificence of a Lord Mayor. Their daily subsistence was most precarious. Food, clothing, fuel were doled out in limited quantities as charitable gifts; occasionally prosperous citizens bequeathed small legacies to be expended in the same articles of supply. These bare prison allowances were further eked out by the chance seizures in the markets; by bread forfeited as inferior or of light weight, and meat declared unfit to be publicly sold. All classes and categories of prisoners were herded indiscriminately together: men and women, tried and untried, upright but misguided zealots with hardened habitual offenders. The only principle of classification was a prisoner's ability or otherwise to pay certain fees; money could purchase the squalid comfort of the master's side, but no immunity from the baleful companionship of felons equally well furnished with funds and no less anxious to escape the awful horrors of the common side of the gaol. The weight of the chains, again, which, till quite recently, innocent and guilty alike wore, depended upon the price a prisoner could pay for "easement of irons," and it was a common practice to overload a new-comer with enormous fetters and so terrify him into lavish disbursement. The gaol at all times was so hideously overcrowded that plague and pestilence perpetually ravaged it, and

the deadly infection often spread into the neighbouring courts of law.

The foregoing is an imperfect but by no means overcoloured picture of Newgate as it existed for hundreds of years, from the twelfth century, indeed, to the nineteenth. The description is supported by historical records, somewhat meagre at first, perhaps, but becoming more and more ample and better substantiated as the period grows less remote. We have but scant information as to the first gate-house gaol. Being part and parcel of the city fortifications, it was intended mainly for defence, and the prison accommodation which the gate afforded with its dungeons beneath, and garrets above, must have been of the most limited description. More pains were no doubt taken to keep the exterior strong and safe against attack, than to render the interior habitable, and we may conclude that the moneys willed by Whittington for the re-edification of Newgate were principally expended on the restoration and improvements of the prison. "Whit's palace," as rebuilt by Whittington's executors, lasted for a couple of centuries, and was throughout that period the principal gaol for the metropolis. Reference is constantly made to it in the history of the times. It was the natural receptacle for rogues, roysterers, and masterless men. It is described as a hot-bed of vice, a nursery of crime. Drunkenness, gaming, profligacy of the vilest sort, went forward in the prison without let or hindrance. Contemporary petitions, preserved in the State papers, penned by

inmates of Newgate pining for liberty, call their prison-house a foul and noisome den. The gaoler for the time being was certain to be a brutal partisan of the party in power, especially bitter to religious or political opponents who fell into his hands. But too frequently also he was a rapacious, extortionate, over-reaching despot, whose first and only thought was to turn the prisoners into profit, and make all the money he could out of those whom the law put completely in his power.

With occasional, but not always sufficient, repairs, but without structural alterations, Whittington's Newgate continued to serve down to the seventeenth century. About 1629 it was in a state of utter ruin, and such extensive works were undertaken to re-edify it that the security of the gaol was said to be endangered, and it was thought better to pardon most of the prisoners before they set themselves free. Lupton, in his 'London Carbonadoed,' speaks of Newgate as "new-fronted and new-faced" in 1638.

Its accommodation must have been sorely tried in the troublous years which followed. It seems to have been in the time of the Commonwealth when "our churches were made into prisons," and demands for space had greatly multiplied, that Newgate was increased by the addition of the buildings belonging to the Phœnix Inn in Newgate Street. The great fire of 1666 gutted, if not completely destroyed, Newgate, and its reconstruction became imperative. Some say Wren was the architect of the new prison, but the fact is not fully substantiated. Authentic and detailed information has, however, been preserved concerning it; it is figured in a familiar woodcut which may be seen in every modern history of London, while a full description of the interior, both plan and appropriation, has been left by an anonymous writer, who was himself an inmate of the gaol.* The prison was still subordinated to the gate, which was an ornate structure, with great architectural pretensions. But as a writer in the 'Gentleman's Magazine' well put it about a century ago, "The sumptuousness of the outside but aggravated the misery of the wretches within." Some effort was made to classify, and the Newgate of that day contained five principal divisions or sides: there was the master's side, for debtors and felons respectively; the common side, for those same two classes of prisoners; and lastly the press yard, for prisoners of note. The right to occupy the master's side was a luxury dearly purchased, but the accommo-

* See post, chap. iv.

dation obtained, albeit indifferent, was palatial to that provided for the impecunious on the common side. The only inmates of the Newgate prison I am now describing who were comparatively well off, were those admitted to the press yard; a division composed of "large and spacious rooms" on all the three floors of the prison, and deemed by a legal fiction to be part of the governor's house.

How desperate was the case of the bulk of the inmates of Newgate will be amply set forth as my narrative proceeds. A few brief facts will suffice here to give a general idea of this foul prison house. The whole place except the press yard was so dark that candles, "links or burners," were used all day long; the air was so inconceivably disgusting, that the ventilator on the top of the prison could exercise no remedial effect. That malignant disease, the gaol fever, was chronic, and deaths from it of frequent occurrence. Doctors could be got with difficulty to attend the sick in Newgate, and it was long before any regular medical officer was appointed to the prison. Evil was in the ascendant throughout; wickedness and profligacy prospered; the weakest always went to the wall. Tyranny and oppression were widely practised: not only were the gaolers extortionate, but their subordinates, the inferior turnkeys, even the bed-makers, and the gate-keeper's wife levied black mail on the pretence of affording relief, and with threats or actual ill-usage when payment was withheld. Certain favoured prisoners wielded recognized authority over

their fellows. Unwritten but accepted customs suffered the general body to exact "garnish," or "chummage," from new comers, fees for the privilege of approaching the fire, and generally for immunity from persecution, the sums thus raised being forthwith expended in strong drink. The "cellarmen" were selected prisoners who could sell candles at their own prices, and got a percentage upon the liquors consumed, with other advantages. Other prisoners were employed in the distribution of food; in the riveting and removing of shackles; even in the maintenance of discipline, and when so acting were armed with a flexible weapon, "to the great terror and smart of those who dispute their authority." Into these filthy dens, where misery stalked rampant and corruption festered, unhappy prisoners brought their families, and the population was greatly increased by numbers of innocent persons, women, and even children, to be speedily demoralized and utterly lost. Lunatics raving mad ranged up and down the wards, a terror to all they encountered. Common women were freely admitted; mock marriages were of constant occurrence, and children were frequently born within the precincts of the gaol. There was but little restriction upon the entrance of visitors. When any great personage was confined in Newgate, he held daily levees and received numbers of fashionable folk. Thus Count Konigsmark, when arrested for complicity in the murder of Mr. Thynne, "lived nobly" in the keeper's house, and was daily visited by persons of quality.

When political prisoners, Jacobite rebels, or others were incarcerated, their sympathizers and supporters came to "comfort them" by sharing their potations. Even a notorious highwayman like Maclane, according to Horace Walpole, entertained great guests, and it was the "mode" for half the world to drive to Newgate and gaze on him in the "condemned hold."

In sharp contrast with the privations and terrible discomforts of the poorer sort was the wild revelry of these aristocratic prisoners of the press yard. They had every luxury to be bought with money, freedom alone excepted, and that was often to be compassed by bribing dishonest officials to suffer them to escape. They kept late hours, collecting in one another's rooms to roar out seditious songs over innumerable bowls of punch. At times they exhibited much turbulence, and refused to be locked up in the separate chambers allotted to them. No attempt was made to coerce them, or oblige them to observe due decorum and submit to the discipline of the prison. Yet while they thus experienced ill-placed and unjust leniency, others far less culpable were ground down till they were "slowly murdered there by the intolerable horrors of the place."

As a general rule the movement of offenders through Newgate was pretty rapid. The period of imprisonment for debtors might be often indefinitely prolonged, and there was the well-known case of Major Bernardi and his companions, who were detained for forty years in Newgate without trial or the chance of it.

Some, too, languished awaiting transfer to the West Indian or American plantations by the contractors to whom they were legally sold. But for the bulk of the criminal prisoners there was one speedy and effectual system of removal, that of capital punishment. Executions were wholesale in those times. The code was sanguinary in the extreme. The gallows tree was always heavily laden. There was every element of callous brutality in the manner of inflicting the extreme penalty of the law. From the time of sentence to the last dread moment the convict was exhibited as a show, or held up to public contempt and execration. Heartless creatures flocked to the gaol chapel to curiously examine the aspect of condemned malefactors. Men who had but a short time to live mingled freely with their fellow-prisoners, recklessly carousing, and often making a boast that they laughed to scorn and rejected the well-meant ministrations of the ordinary.

The actual ceremony was to the last degree cold-blooded and wanting in all the solemn attributes befitting the awful scene. The doomed was carried in an open cart to Tyburn or other appointed place; the halter already encircled his neck, his coffin was at his feet, by his side the chaplain or some devoted amateur philanthropist and preacher striving earnestly to improve the occasion. For the mob it was a high day and holiday; they lined the route taken by the ghastly procession, encouraging or flouting the convict according as he happened to be a

popular hero or unknown to criminal fame. In the first case they cheered him to the echo, offered him bouquets of flowers, or pressed him to drink deep from St. Giles's Bowl ; in the latter they pelted him with filth and overwhelmed him with abuse. The most scandalous scenes occurred on the gallows. The hangman often quarrelled with his victim over the garments, which the former looked upon as a lawful perquisite, and which the latter was disposed to distribute among his friends ; now and again the rope broke, or the drop was insufficient, and Jack Ketch had to add his weight to the hanging body to assist strangulation. Occasionally there was a personal conflict, and the hangman was obliged to do his office by sheer force. The convicts were permitted to make dying speeches, and these orations were elaborated and discussed in Newgate weeks before the great day ; while down in the yelling crowd beneath the gallows spurious versions were hawked about and rapidly sold. It was a distinct gain to the decency and good order of the metropolis when Tyburn and other distant points ceased to be the places of execution, and hangings were exclusively carried out in front of Newgate, just over the debtors' door. But some of the worst features of the old system survived. There was still the melodramatic sermon, in the chapel hung with black, before a large congregation collected simply to stare at the convicts squeezed into one pew, who in their turn stared with mixed feelings at the coffin on the table just before their eyes. There was

still the same tumultuous gathering to view the last act in the tragedy, the same bloodthirsty mob swaying to and fro before the gates, the same blue-blooded spectators, George Selwyn or my Lord Tom Noddy, who breakfasted in state with the gaoler, and so got a box seat or rented a window opposite at an exorbitant rate. The populace were like degenerate Romans in the amphitheatre waiting for the butchery to begin. They fought and struggled desperately for front places: people fell and were trampled to death, hoarse roars came from thousands of brazen throats, which swelled into a terrible chorus as the black figures of the performers on the gallows stood out against the sky. "Hats off!" "Down in front!" these cries echoed and re-echoed in increasing volume, and all at once abruptly came to an end—the bolt had been drawn, the drop had fallen, and the miserable wretch had gone to his long home.

The policy which had brought about the substitution of Newgate for Tyburn no doubt halted halfway, but it was enlightened, and a considerable move towards the private executions of our own times. It was dictated by the more humane principles which were gradually making head in regard to criminals and crime. Many more years were to elapse, however, before the eloquence of Romilly was to bear fruit in the softening of our sanguinary penal code. But already John Howard had commenced his labours, and his revelations were letting in a flood of light upon the black recesses of prison life. It is to the

credit of the authorities of the City of London that they had recognized the necessity for rebuilding Newgate on a larger and more approved plan before the publication of Howard's reports. The great philanthropist made his first journey of inspection towards the end of 1773; in the following year he laid the information he had obtained before the House of Commons, and in 1777 published the first edition of his celebrated 'State of Prisons.' As early as 1755 the Common Council had condemned Newgate in no measured terms; declared it to be habitually overcrowded with "victims of public justice, under the complicated distresses of poverty, nastiness, and disease," who had neither water, nor air, nor light in sufficient quantities; the buildings were old and ruinous, and incapable of any "improvement or tolerable repairs." It was plainly admitted that the gaol ought to be at once pulled down. But as usual the difficulty of providing funds cropped up, and the work, though urgent, was postponed for some years. The inadequacy of the prison was so obvious, however, that the matter was presently brought before a committee of the House of Commons, and the necessity for rebuilding clearly proved. A committee of the Corporation next met in 1767 to consider ways and means, and they were fortified in their decision to rebuild by convincing evidence of the horrible condition of the existing prison. A letter addressed to the committee by Sir Stephen Jansen stigmatizes it as "an abominable sink of beastliness and corruption."

He spoke from full knowledge, having been sheriff when the prison was decimated by gaol fever. In the same year Parliamentary powers were obtained to raise money to rebuild the place, and the new Newgate was actually commenced in 1770, when Lord Mayor Beckford, father of "Vathek" Beckford, laid the first stone. Its architect was George Dance, and the prison building, which still stands to speak for itself, has been counted one of his finest works. Howard, who gives this historic prison the first place in his list, must have visited it while the new buildings were in progress. The plan did not find favour with him, but he enters into no particulars, and limits his criticisms to remarking, "that without more than ordinary care the prisoners in it will be in great danger of gaol fever." According to modern notions the plan was no doubt faulty in the extreme. Safe custody, a leading principle in all prison construction, was compassed at the expense of most others. The prison façade is a marvel of strength and solidity, but until reappropriated in recent years its interior was a limited confined space, still darkened, and deprived of ventilation, by being parcelled out into courts, upon which looked the narrow windows of the various wards.

The erection of the "new and commodious gaol," as it is described in an Act of the period, proceeded rapidly, but three or four years after Howard's visit it was still uncompleted. This Act recites what had been done, referring to the valuable, extensive areas,

which had been taken in for the construction of this great prison, and provides additional funds. In 1780, however, an unexpected catastrophe happened, and the new buildings were set on fire by the Lord George Gordon rioters, and so much damaged that the most comprehensive repairs were indispensable. These were executed in 1782. Many years were to elapse before any further alterations or improvements were made.

It was soon evident that Dance's Newgate, imposing and appropriate as were its outlines and façade, by no means satisfied all needs. The progress of enlightenment was continuous, while complaints that would have been stifled or ignored previously were now occasionally heard. Yet the wretched prisoners continued to be closely packed together. Transportation had now been adopted as a secondary punishment, and numbers who escaped the halter were congregated in Newgate waiting removal beyond the seas. The population of the prison had amounted to nearly six hundred at one time in 1785. According to a presentment made by the Grand Jury in 1813, in the debtors' side, built for one hundred, no less than three hundred and forty were lodged; in the female felons' ward there were one hundred and twenty in space intended for only sixty. These females were destitute and in rags, without bedding, many without shoes. In later years the figures rose still higher, and it is authoritatively stated that there were as many as eight, nine, even twelve hundred souls immured

within an area of about three-quarters of an acre in extent. We have the evidence of trustworthy persons that grievous abuses still continued unchecked. All prisoners were still heavily ironed until large bribes had been paid to obtain relief. All manner of unfair dealing was practised towards the prisoners. The daily allowance of food was unequally divided. Bread and beef were issued in the lump, and each individual had to scramble and fight for his share. Prisoners had no bedding beyond a couple of dirty rugs. Exorbitant gaol fees were still demanded on all sides; the Governor eked out his income by what he could extort, and his subordinates took bribes wherever they could get them. It was customary to sell the place of wardsman, with its greater ease and power of oppression, to the highest bidder among the prisoners. Unlimited drinking was allowed within the walls; the prison tap, with the profits on sales of ale and spirits, was a part of the Governor's perquisites. All this time there was unrestrained intercommunication between the prisoners; the most depraved were free to contaminate and demoralize their more innocent fellows. Newgate was then, and long continued, a school and nursery for crime. It was established beyond doubt that burglaries and robberies were frequently planned in the gaol, while forged notes and false money were often fabricated within the walls and passed out into the town.

The disclosure of these frightful evils led to a Parliamentary inquiry in 1814, and the worst facts

were fully substantiated.* The prison was not water-tight, rain came in through the roof; broken windows were left unglazed; it was generally very dirty; the gaoler admitted that with its smoked ceilings and floors of oak, caulked with pitch, it never could look clean. The prisoners were not compelled to wash, and cleanliness was only enforced by a general threat to shut out visitors. Sometimes a more than usually filthy person was stripped, put under the pump, and forced to go naked about the yard. The poor debtors were in terrible straits, herded together, and dependent upon casual charities for supplies. Birch, the well-known tavern-keeper, and others, sent in broken victuals, generally the stock meat which had helped to make the turtle-soup for civic feasts. The chaplain took life very easy, and, beyond preaching to those who cared to attend chapel, ministered but little to the spiritual wants of his charge. His indifference was strongly condemned in the report of the Commons Committee. The chapel congregation was generally disorderly: prisoners yawned, and coughed, and talked enough to interrupt the service; women were in full view of the men, and many greetings, such as "How do you do, Sall?" often passed from pew to pew. No attempt was made to keep condemned convicts, male or female, separate from other prisoners; they mixed freely with the rest, saw daily any number of visitors, and had unlimited drink.

It was a little before the publication of the

* See vol. ii. cap. ii.

Committee's Report that that noble woman, Mrs. Fry, first visited Newgate. The awful state of the female prison, as she found it, is described in her memoirs. Three years elapsed between her first visit and her second. In the interval, the report last quoted had borne some fruit. An Act had been brought in for the abolition of gaol fees; gaol committees had been appointed to visit and check abuses, and something had been done to ameliorate the condition of the neglected female outcasts. Yet the scene within was still dreadful, and permanent amelioration seemed altogether beyond hope. What Mrs. Fry quickly accomplished against tremendous difficulties, is one of the brightest facts in the whole history of philanthropy. How she persevered in spite of prediction of certain failure; how she won the co-operation of lukewarm officials; how she provided the manual labour for which these poor idle hands were eager, and presently transformed a filthy den of corruption into a clean whitewashed workroom, in which sat rows of women, recently so desperate and degraded, stitching and sewing orderly and silent: these extraordinary results with the most unpromising materials will be found detailed in a subsequent page.*

There was no one, unfortunately, to undertake the same great work upon the male side. "The mismanagement of Newgate has been for years notorious," says the Hon. H. G. Bennet, in a letter addressed to the Common Council, "yet there is no

* See vol. ii. cap. iii.

real reform. The occasional humanity of a sheriff may remedy an abuse, redress a wrong, cleanse a sewer, or whitewash a wall, but the main evils of want of food, air, clothing, bedding, classification, moral discipline remain as before." But appeals, however eloquent, were of small avail. Time passed, and at last there was a general impetus towards prison reform. The question became cosmopolitan. Close inquiry was made into the relative value of systems of punishment at home and abroad. Millbank Penitentiary was erected at the cost of half a million, to give full scope to the experiment of reformation. Public attention was daily more and more called to prison management. Yet through it all Newgate remained almost unchanged. It was less crowded, perhaps, since having been relieved by the opening of the Giltspur Street Compter, and that was all that could be said. In 1836, when the newly-appointed Government inspectors made their first report, the internal arrangements of Newgate were as bad as ever. These inspectors were earnest men, who had made prisons and prison management a study. One was the Rev. Whitworth Russell, for many years chaplain of Millbank; the other Mr. Crawford, who had written an admirable State paper upon the prisons of the United States, the result of long personal investigation.

This report framed a strong indictment against the Corporation, who were mainly responsible. Well might the inspectors close it with an expression of poignant

regret, not unmixed with indignation, at the frightful picture presented of the existing state of Newgate.* The charges were unanswerable, the only remedy immediate and searching reform. As a matter of fact various abuses and irregularities were put an end to the following year, but the alterations, so said the inspectors in a later report, only introduced the outward semblance of order. "The master evil, that of gaol association, and consequent contamination, remained in full activity." Year after year the inspectors repeated their condemnatory criticisms, but were unable to effect any radical change. For quite another decade, Newgate continued a by-word with prison reformers. In 1850, Colonel, afterwards Sir Joshua Jebb, told the select committee on prison discipline, that he considered Newgate, from its defective construction, one of the worst prisons in England. Captain Williams, a prison inspector, was of the same opinion, and called Newgate quite the worst prison in his district. The fact was, limitation of area rendered it quite impossible to reconstitute Newgate and bring it up to the standard of modern prison requirements. Either great additions must be made to the site, an operation likely to be exceedingly costly, or a new building must be erected elsewhere. These points had already been discussed repeatedly and at length by gaol committees and the Court of Aldermen, and a decision finally arrived at, to erect a new prison on the Tufnell Park Estate, in the north

* See vol. ii. cap. v.

of London. And this, now known as Holloway Prison, was opened in 1852.

Newgate, relieved of the unnatural demands upon its accommodation, was easily and rapidly reformed. It became now simply a place of detention for city prisoners, an annexe of the Old Bailey, filled and emptied before and after the sessions. Considerable sums were expended in reconstructing the interior and providing the largest possible number of separate cells for the confinement of the limited number of prisoners who now required to be accommodated. As such it continued to serve until the year 1880, when, under the principles of concentration which formed the basis of the Prison Act of 1877, it was closed. It was found the House of Detention at Clerkenwell had sufficient space to accommodate all prisoners awaiting trial at the Central Criminal Court, and that Newgate prison was not wanted except when the sessions were actually sitting. It ceased, therefore, to be used except as a temporary receptacle at such times, but it is also still the metropolitan place of execution.

CHAPTER I.

MEDIÆVAL NEWGATE.

Earliest accounts of Newgate prison—The New Gate, when built and why—Classes of prisoners incarcerated—Of high degree, as well as all categories of common criminals—Brawlers, vagabonds, and 'roarers' committed to Newgate; also those who sold adulterated food—Exposure in pillory and sometimes mutilation preceded imprisonment—The gradual concession of privileges to the Corporation—Lord Mayor constituted perpetual justice of the peace—Corporation obtains complete jurisdiction over Newgate—The sheriffs responsible for the good government of prisons on appointment—Counted prisoners held keys, and the cocket or seal of Newgate—Forbidden to farm the prison or sell the post of keeper—The rule in course of time contravened, and keepership became purchaseable—Conflict of authority between sheriffs and Corporation as to appointment of keeper—Condition of the prisoners in mediæval times—Dependent on charity for commonest necessaries; food, clothing, and water—A breviary bequeathed—Gaol falls into ruin and is rebuilt by Whittington's executors in 1422—This edifice two centuries later is restored, but destroyed in the great Fire of 1666.

The earliest authentic mention of Newgate as a gaol or prison for felons and trespassers occurs in the records of the reign of King John. In the following reign, A.D. 1218, Henry III. expressly commands the sheriffs of London to repair it, and promises to reimburse them for their outlay from his own exchequer.

This shows that at that time the place was under the direct control of the king, and maintained at his charges. The prison was above the gate, or in the gate-house, as was the general practice in ancient times. Thus Ludgate was long used for the incarceration of city debtors. To the gate-house of Westminster were committed all offenders taken within that city; and the same rule obtained in the great provincial towns, as at Newcastle, Chester, Carlisle, York, and elsewhere. Concerning the gate itself, the New Gate and its antiquity, opinions somewhat differ. Maitland declares it to be "demonstrable" that Newgate was one of the four original gates of the city; "for after the fire of London in 1666," he goes on to say, "in digging a foundation for the present Holborn bridge, the vestigia of the Roman military way called Watling Street were discovered pointing directly to this gate; and this I take to be an incontestable proof of an original gate built over the said way in this place." Maitland in this conjecture altogether departs from the account related by Stowe. The latter gives a precise and circumstantial description of the building of Newgate, which he calls the fifth principal gate of the city. There is, however, every reason to suppose that a gate had existed previously hereabouts in the city wall, and the site of the new gate is identical with one which was long called Chamberlain's Gate, because that official had his court in the Old Bailey hard by. According to Stowe, Newgate was erected about the time of

Stephen or the first Henry under the following circumstances. After the destruction of the old cathedral church of St. Paul in 1086, Mauritius, Bishop of London, resolved to build an entirely new edifice upon the site, intending to construct a work so grand that "men judged it would never be performed, it was so wonderful to them for height." * In pursuance of his great scheme the Bishop enclosed a large space of ground for cemetery and churchyard, and in doing so stopped up and obstructed the great thoroughfare from Aldgate in the east to Ludgate in the west. The traffic now was driven to choose between two long detours: one passing to the northward of the new cemetery wall, and so by Paternoster Row, Ave Maria Lane, and Bowyer Row, to Ludgate; the other, still more circuitous, by Cheape and Watling Street, thence southward through Old Change, west through Carter Lane, up Creadlam north, and finally westward again to Ludgate. These routes, as Stowe observes, were "very cumbersome and dangerous both for horse and man. For remedy whereof a new gate was made and so called, by which men and cattle, with all manner of carriages, might pass more directly (as before) from Aldgate through West Cheape to St. Paul's on the north side, through St. Nicholas Shambles and Newgate market to Newgate, and from thence to any part westward over Holborn Bridge, or turning without the gate into Smithfield

* Something of the same ambition filled the breasts of the projectors of Seville Cathedral.

and through Iseldon (Islington) to any part north and by west."

Of that ancient Newgate, city portal and general prison-house combined, but scant records remain. A word or two in the old chroniclers, a passing reference in the history of those troublous times, a few brief and formal entries in the city archives—these are all that have been handed down to us. But we may read between the lines and get some notion of mediæval Newgate. Foul, noisome, terrible are the epithets applied to this densely-crowded place of durance.* It was a dark, pestiferous den, then, and for centuries later, perpetually ravaged by deadly diseases.

Its inmates were of all categories. Prisoners of State and the most abandoned criminals were alike committed to it. Howel, quoted by Pennant, states that Newgate was used for the imprisonment of persons of rank long before the Tower was applied to that purpose. Thus Robert de Baldock, Chancellor of the realm in the reign of Edward II., to whom most of the miseries of the kingdom were imputed, was dragged to Newgate by the mob. He had been first committed to the Bishop's prison, but was taken thence to Newgate as a place of more security; "but the unmerciful treatment he met with on the way occasioned him to die there within a few days in great

* An entry in a letter book at Guildhall speaks of the "heynouse gaol of Newgate," and its fetid and corrupt atmosphere. Loftie, 'Hist of London,' vol. i. 437.

torment from the blows which had been inflicted on him." Again, Sir Thomas Percie, Lord Egremond, and other people of distinction, are recorded as inmates in 1457. But the bulk of the prisoners were of meaner condition, relegated for all manner of crimes. Some were parlous offenders. There was but little security for life or property in that old London, yet the law made constant war against the turbulent and reckless roughs. Stowe draws a lively picture of the state of the city at the close of the twelfth century. One night a brother of Earl Ferrers was slain privately in London. The king (Edward I.) on hearing this "swore that he would be avenged on the citizens." It was then a common practice in the city for "an hundred or more in company of young and old to make nightly invasions upon the houses of the wealthy, to the intent to rob them, and if they found any man stirring in the city they would presently murder him, insomuch that when night was come no man durst adventure to walk in the streets." Matters at length came to a crisis. A party of citizens young and wealthy, not mere rogues, attacked the "storehouse of a certain rich man," and broke through the wall. The "good man of the house" was prepared and lay in wait for them "in a corner," and saw that they were led by one Andrew Bucquinte, who carried a burning brand in one hand and a pot of coals in the other, which he essayed to kindle with the brand. Upon this the master, crying "Thieves!" rushed at Bucquinte and smote off his right hand. All took

to flight "saving he that had lost his hand," whom the good man in the next morning delivered to Richard de Lucy, the king's justice. The thief turned informer, and "appeached his confederates, of whom many were taken and many were fled." One, however, was apprehended, a citizen "of great countenance, credit, and wealth, named John Senex, or John the Old, who, when he could not acquit himself by the water dome, offered the king 500 marks for his acquittal; but the king commanded that he should be hanged, which was done, and the city became more quiet."

Long before this, however, Edward I. had dealt very sharply with evil-doers. By the suspension of corporation government following that king's conflict with the city authority, "all kinds of licentiousness had got leave to go forward without control." At length the frequency of robberies and murders produced the great penal statute of the 13 Edward I. (1287). By this Act it was decreed that no stranger should wear any weapon, or be seen in the streets after the ringing of the couvre-feu bell at St. Martin's-le-Grand; that no vintners and victuallers should keep open house after the ringing of the said bell under heavy fines and penalties; that "whereas it was customary for profligates to learn the art of fencing, who were thereby emboldened to commit the most unheard-of villanies, no such school should be kept in the city for the future upon the penalty of forty marks for every offence." Most of the

aforesaid villanies were said to be committed by foreigners who from all parts incessantly crowded to London; it was therefore ordered that no person not free of the city should be suffered to reside therein; and even many of those that were were obliged to give security for their good behaviour.*

The 'Liber Albus,' as translated by Riley, gives the penalties for brawling and breaking the peace about this date. It was ordained that any person who should draw a sword, *misericorde* (a dagger with a thin blade used for mercifully despatching a wounded enemy), or knife, or any arm, even though he did not strike, should pay a fine to the city of half a mark, or be imprisoned in Newgate for fifteen days. If he drew blood the fine was twenty shillings, or forty days in Newgate; in striking with the fist two shillings, or eight days' imprisonment, and if blood was drawn forty pence, or twelve days. Moreover, the offenders were to find good sureties before release, and those on whom the offence was committed had still "recovery by process of law."

Nor were these empty threats. The laws and ordinances against prowlers and vagabonds, or "night-walkers," as they were officially styled, were continually enforced by the attachment of offenders. Many cases are given in the memorials of London. Thus, 4 Edw. II. A.D. 1311: Elmer de Multone was attached on indictment as a common night-walker in the ward of Chepe; "in the day," it was charged,

* Noorthouck, 'Hist. of London,' p. 60.

"he was wont to entice persons and strangers unknown to a tavern and there deceive them by using false dice." He was furthermore indicted "in Tower ward for being a cruiser and night-walker against the peace, as also for being a common 'rorere.'* Multone was committed to prison. Others met with similar treatment. John de Rokeslee was attached as being held suspected of evil and of beating men coming into the city;" "Peter le Taverner, called Holer," the same, and for going with sword and buckler and other arms; John Blome was indicted "as a common vagabond † for committing batteries and other mischiefs in the ward of Aldresgate and divers other wards." "A chaplain," our modern curate, Richard Heryng, was attached on similar charges, but was acquitted. Not only were the "roarers" themselves indicted when taken in this act, but also those who harboured them, like John Baronu mentioned in the same document as attached "for keeping open house at night, and receiving night-walkers and players at dice." The prohibition against fencing-masters was also rigorously enforced, as appears by the indictment of "Master Roger le Skirmisour, for keeping a fencing school for divers men, and for enticing thither the sons of respectable persons so as to waste and spend the property of their fathers and mothers

* The term "roarer," and "roaring boy," signifying a riotous person, was in use in Shakespeare's day, and still survives in slang (Riley).

† The word is so given in the text, although this text is in Latin, fol. cxxxii. 6 (Riley).

upon bad practices, the result being that they themselves become bad men. Master Roger, upon proof to a jury that he was guilty of the trespasses aforesaid, was committed to Newgate."

Incarceration in Newgate, however, was meted out promptly for other offences than those against which the last-mentioned legislation was directed.

Priests guilty of loose living, Jews accused rightly or wrongly, now of infanticide, of crucifying children, now of coining and clipping, found themselves in the gaol for indefinite periods. People, again, who adulterated or sold bad food were incontinently clapped into gaol. Thus William Cokke of Hesse (or Hayes) was charged with carrying a sample of wheat in his hand in the market within Newgate, and following one William, the servant of Robert de la Launde Goldsmith, about from sack to sack, as the latter was seeking to buy wheat, telling him that such wheat as the sample could not be got for less than twenty-one pence per bushel, whereas on the same day and at the same hour the same servant could have bought the same wheat for eighteen pence. Cokke, when questioned before the Mayor,

Recorder, and certain of the aldermen, acknowledged that he had done this to enhance the price of wheat to the prejudice of all the people. He was in consequence committed to gaol, and sentenced also to have the punishment of the pillory. The same fate overtook Alan de Lyndeseye and Thomas de Patemere, bakers, who were brought before the bench at Guildhall, and with them "bread they had made of false, putrid, and rotten materials, through which persons who bought such bread were deceived and might be killed." The fear of imprisonment, again, was before the eyes of all who sought to interfere with the freedom of the markets. Thus it is recorded in the ordinances of the cheesemongers, that "whereas the hokesters (hucksters) and others who sell such wares by retail do come and regrate such cheese and butter before prime rung, and before that the commonalty has been served, may it be ordained that no such hokesters shall buy of any foreigner before the hour of prime on pain of imprisonment at the will of the Mayor." Similar penalties were decreed against "regrating" fish and other comestibles for the London markets.

In 1316 Gilbert Peny was bound in the third time in default for selling bread deficient in weight. He had been twice drawn on the hurdle, and it was therefore now adjudged that he should be drawn once more, and should then forswear the trade of a baker in the city for ever. One of many similar cases is that of William Spalyng, who, for selling putrid beef at "les Stokkes," the stocks market near Walbrook, was

put upon the pillory, and the carcases were burnt beneath. Another who made shoes of unlawful material had them forfeited. Bakers who stole dough from the moulding-boards of other bakers were exposed on the pillory with the dough hung about their necks.*

* The indictment charged John Brid for having sought to falsely and maliciously obtain his own private advantage "by skilfully and artfully causing a certain hole to be made upon a table of his, called a *moldingborde*, pertaining to his bakehouse after the manner of a mouse-trap in which mice are caught, there being a certain wicket, warily provided for closing and opening such hole." When neighbours brought dough to make into bread and bake at his oven, John Brid got them to put it on his *moldingborde* table, having "one of his household ready provided for the same sitting in secret beneath such table; which servant of his, so seated beneath the hole, and carefully opening it, piecemeal and bit by bit craftily withdrew some of the dough aforesaid, frequently collecting great quantities from such dough, falsely, wickedly, and maliciously." It was proved that the hole was made of aforethought, that large quantities of dough were drawn through the table and found beneath, and that the neighbours suffered grievous loss. Numerous other cases of similar fraud were brought forward at the same time, and all were equally proved, after "due inquisition as to the truth of the matter had been made." Whereupon at a full court of aldermen, and in the presidency of Richard de Botoigne, Mayor, it was ordered that all male offenders against whom the charge was proved should be put upon the pillory with a certain quantity of the dough round their necks, in the cases where dough had been found; where it had not, the sentence was one of simple exposure. Two female bakers sought to escape by laying the crime upon their husbands, but "it was agreed and ordained that they should be sent back to the prison of Newgate, there to remain until as to them it should be otherwise ordained," and there, according to the same document, they did linger *sine die*. To wipe out the disgrace, it was further ordered that all the *moldingborde* tables "should be thrown down and utterly destroyed," and that any baker in future guilty of such an offence "should stand upon the pillory for a whole day, and afterwards abjure the city, so as at no future time to return thereto."

Richard le Forester, for attempting to defraud with a false garland or metal chaplet for the head, was sentenced to stand in the pillory, and afterwards to forswear the city for a year and a day. Traders convicted of having blankets vamped in foreign parts with the hair of oxen and of cows were punished, and the blankets were burnt under the pillory on Cornhill. Similarly, false gloves, braces, and pouches were burnt in the High Street of Chepe near the stone cross there. John Penrose, a taverner, convicted of selling unsound wine, was adjudged to drink a draught of the said wine, and the remainder was then poured out on his head. Alice, wife of Robert de Cranstom, was put in the thew, or pillory for women, for selling ale by short measure; and so was Margery Hore for selling putrid soles, the fish being burnt, and the cause of her punishment proclaimed. Two servants of John Naylere were placed in the stocks upon Cornhill for

one hour, and their sacks burnt beside them, for selling a deficient measure of charcoal, while their master's three horses were seized and detained by the Mayor's sergeant until he (Naylere) came and answered for the aforesaid falsity and deceit. William Avecroft, having unsound wine, the sheriffs were ordered to pour all the wine in the street and wholly make away with it, according to the custom of the city.

The 'Liber Albus' contains other ordinances against brawlers and loose livers. The former, whether male or female, were taken to the thew, a form of pillory, carrying a distaff dressed with flax and preceded by minstrels. The latter, whether male, female, or clerics, were marched behind music to Newgate, and into the Tun in Cornhill.* Repeated offences were visited with expulsion, and the culprits were compelled to forswear the city for ever. The men on exposure had their heads and beards shaved, except a fringe on their heads two inches in breadth; women who made the penance in a hood of "rag" or striped cloth had their hair cut round about their heads. Worse cases of both sexes were shaved like "an appealer," or false informer. The crime of riotous assembling was very sharply dealt with, as appears from the proclamation made in the King's (Edward III.) departure for France. It was then ordained that "no one of the

* A prison for night-walkers and other suspicious persons, and called the Tun because the same was built somewhat in fashion of a Tun standing on the one end. It was built in 1282 by Henry Walers, Mayor.

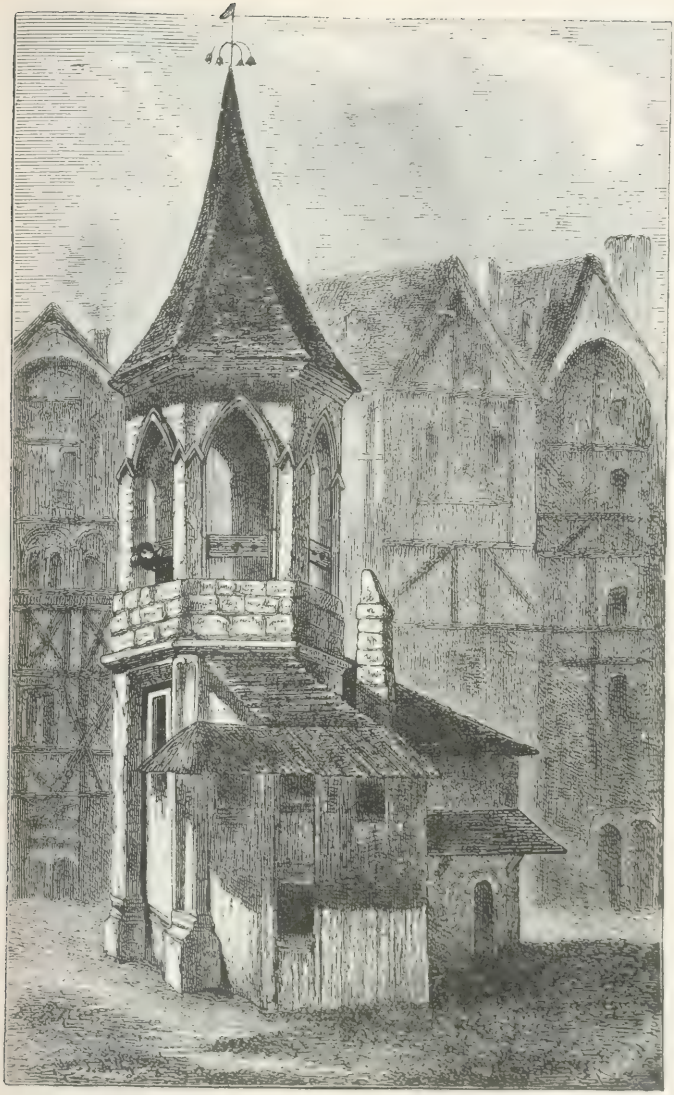
city, of whatsoever condition he shall be, shall go out of the city to maintain parties, such as taking leisure, or holding days of love (days of reconciliation between persons at variance), or making other congregations within the city or without in disturbance of the peace of our lord the king, or in affray of the people, and to the scandal of the city." Any found guilty thereof were to be taken and put into the prison of Newgate, and there retained for a year and day; and if he was a freeman of the city, he lost his freedom for ever.

The city authorities appear to have been very jealous of their good name, and to have readily availed themselves of Newgate as a place of punishment for any who impugned it. A certain John de Hakford, about the middle of the fourteenth century, was charged with perjury in falsely accusing the chief men in the city of conspiracy. For this he was, presumably upon proof, remanded by the Mayor and aldermen to Newgate, there to remain until they shall be better advised as to their judgment. A little later on, Saturday the morrow of St. Nicholas (6 Dec., 1364), this judgment was delivered, to the effect that the said John shall remain in prison for one whole year and a day, and the said John within such year shall four times have the punishment of the pillory, that is to say, one day in each quarter of the year, beginning on the Saturday aforesaid, and in this manner: "The said John shall come out of Newgate without hood or girdle, barefoot and unshod, with a

whetstone hung by a chain from his neck and lying on his breast, it being marked with the words 'a false liar,' and there shall be a pair of trumpets trumpeting before him on his way to the pillory, and there the cause of this punishment shall be solemnly proclaimed, and the said John shall remain in the pillory for three hours of the day, and from thence shall be taken back to Newgate in the same manner, there to remain until his punishment be completed in manner aforesaid." This investiture of the whetstone was commonly used as a punishment for misstatement;* for it is recorded in 1371 that one Nicholas Mollere, servant of John Toppesfield, smith, had the punishment of the pillory and whetstone for "circulating lies," amongst others that the prisoners at Newgate were to be taken to the Tower of London, and that there was to be no longer a prison at Newgate.

Again in 1383, William Berham for slandering the Mayor was adjudged to be put upon the pillory on the same day, there to stand for one hour of the day with one large whetstone hung from his neck in token of the lie he told against the Mayor, and another smaller whetstone in token of a lie told against a lesser personage After that he was to be taken back to Newgate, and thence for the five following days

* "Our ancestors, with a strong love for practical jokes and an equally strong aversion to falsehood and boasting, checked an indulgence in such vices when they became offensive by very plain satire. A confirmed liar was presented with a *whetstone* to jocularly infer that his invention, if he continued to use it so freely, would require sharpening."—Chambers' 'Book of Days,' ii. 45.



ANCIENT PILLORY IN PARIS

to be taken to the pillory, before noon on one day and after noon on the next, and there exposed with the whetstone as before. A few years later one Robert Stafferstone for slandering an alderman was adjudged to be imprisoned in Newgate for the next forty days, "unless he should find increased favour." This favour he did subsequently find, and "upon his humiliation he was committed to prison until the morrow, namely, Palm Sunday, and on the same Sunday should be taken from the prison to his house, and from thence proceed between the eighth and ninth hour, before dinner, with his head uncovered, and attended by an officer of the city, carrying a lighted wax candle weighing two pounds through Walbrook Bokelersbury, and so by Conduit and Chepe to St. Lawrence Lane in the Old Jewry, and on to the chapel of the Guildhall, where he was to make offering of the candle. That done, all further imprisonment was to be remitted and forgiven."

A sharper sentence was meted out about the same date to William Hughlot, who for a murderous assault upon an alderman was sentenced to lose his hand, and precept was given to the sheriffs of London to do execution of the judgment aforesaid. "Upon this an axe was brought into court by an officer of the sheriffs, and the hand of the said William was laid upon the block there to be cut off. Whereupon John Rove (the alderman aggrieved), in reverence of our lord the king, and at the request of divers lords, who entreated for the said William, begged of the Mayor

and aldermen that the judgment might be remitted, which was granted accordingly. The culprit was, however, punished by imprisonment, with exposure on the pillory, wearing a whetstone, and he was also ordered to carry a lighted wax candle weighing three pounds through Chepe and Fleet Streets to St. Dunstan's church, where he was to make offering of the same.

But, however sensitive of their good name, the Mayor and aldermen of those times seem to have been fairly upright in their administration of the law. The following case shows this. A man named Hugh De Beone, arraigned before the city coroner and sheriff for the death of his wife, stood mute, and refused to plead, so as to save his goods after sentence. For thus "refusing his law of England," the justiciary of our lord the king for the delivery of the gaol of Newgate, committed him back to prison, "there in penance to remain until he should be dead." *

The punishment inflicted, the goods thus saved were handed over to the defunct criminal's executor as appears from the following. "Be it remembered that on Saturday next before the Feast of the Apostles Simon and Jude (28 October), in the eleventh year of King Edward, after the conquest, the third, came John Fox, citizen and vintner of London, before Gregory de Nortone, Recorder, and Thomas de Margus, chamberlain of the Guildhall of London, into the chamber of the Guildhall aforesaid, and

* Pressing to death. See post, chap. vi.

acknowledged that he had received of Walter de Moedone and Ralph de Uptone, late sheriffs of London, the goods and chattels underwritten in the presence of John de Shirborne, coroner, and the Sheriff of London aforesaid, on the oath of Edward de Mohaut, pellifer,* and others." The inventory of goods is curious, and is perhaps worth quoting at length. There were—

One mattress, value 4*s.*; six blankets and one serge, 13*s.* 6*d.*; one green carpet, 20*s.*; one torn coverlet, with shields of cendale, 4*s.*; one coat, and one surcoat, of *worstede*, 40*d.*; one robe perset, furred, 20*s.*; one robe of medly, furred, one mask, one old fur, almost consumed by moths, 6*d.*; one robe of scarlet, furred, 16*s.*; one robe of perset, 7*s.*; one surcoat, with a hood of ray, 2*s.* 6*d.*; one coat, with a hood of perset, 1*s.* 6*d.*; one surcoat, and one coat of ray, 6*s.* 1*d.*; one green hood of cendale, with edging, 6*d.*; seven linen sheets, 5*s.*; one table-cloth, 2*s.*; three table-cloths, 1*s.* 6*d.*; and a great many other articles, including "brass pots," "aundirons," "tonour," "iron herce," "savenapes," bringing the total value to £12 18*s.* 4*d.*

Long years elapsed between the building of Newgate and the date when the city gained complete jurisdiction over the prison. King Henry III.'s orders to repair the gaol at his own charge has been mentioned already. Forty years later the same monarch pretended to be keenly concerned in the good

* Skinner or furrier.

government of Newgate. Returning from Bordeaux when his son Edward had married the King of Spain's sister, Henry had passed through Dover and reached London on St. John's day. The city sent to congratulate him on his safe arrival, the messengers taking with them a humble offering of one hundred pounds. The avaricious king was dissatisfied, and instead of thanking them, intimated that if they would win his thanks they must enlarge their present; whereupon they gave him "a valuable piece of plate of exquisite workmanship, which pacified him for the present." But Henry was resolved to squeeze more out of the wealthy burgesses of London. An opportunity soon offered when a clerk convict, one John Frome, or Offrem,* charged with murdering a prior, and committed for safe custody to Newgate, escaped therefrom. The murdered man was a cousin of Henry's queen, and the king, affecting to be gravely displeased at this gross failure in prison administration, summoned the mayor and sheriffs to appear before him and answer the matter. The mayor laid the fault from him to the sheriffs, forasmuch as to them belonged the keeping of all prisoners within the city. The mayor was therefore allowed to return home, but the sheriffs remained prisoners in the Tower "by the space of a month or more"; and yet they excused themselves in that the fault rested chiefly with the bishop's officers, the latter having, at their lord's request, sent the prisoner to Newgate,

* Noorthouck calls him John Gate. See 'Hist. of London,' p. 49.

but being still themselves responsible with the bishop for his safe keeping. These excuses did not satisfy the king, who, "according to his usual justice," says Noorthouck, "demanded of the city, as an atonement of the pretended crime, no less than the sum of three thousand marks." The fine was not immediately forthcoming, whereupon he degraded both the sheriffs, and until the citizens paid up the enormous sum demanded, he caused the chief of them to be seized and clapped into prison.

The city was ready enough, however, to purchase substantial privileges in hard cash. Many of its early charters were thus obtained from necessitous kings. In this way the Corporation ransomed, so to speak, its ancient freedom and the right of independent government.

In 1327 a further point was gained. The support of the citizens had been freely given to Queen Isabella and her young son in the struggle against Edward II. On the accession of Edward III. a new charter, dated in the first year of his reign, was granted to the city of London. After confirming the ancient liberties, it granted many new privileges; chief among them was the concession that the Mayor of London should be one of the justices for gaol delivery of Newgate, and named in every commission for that purpose. The king's marshal might in future hold no court within the boundary of the city, nor were citizens to be called upon to plead beyond them for anything done within the liberties. No market might be kept

within seven miles of London, while the citizens were permitted to hold fairs and a court of "pye powder" therein; in other words, a court for the summary disposal of all offences committed by hawkers or pedlers, or perambulating merchants, who have *les pieds poudrés*, or are "dusty-footed." * Other privileges were obtained from the king during his reign. A second charter granted them the bailiwick of Southwark, a village which openly harboured "felons, thieves, and other malefactors," who committed crimes in the city and fled to Southwark for sanctuary; and a third guaranteed them against the competition of foreign merchants, who were forbidden to sell by retail in the city, to keep any house, or act as broker therein. Again, the election of the mayor was established on a more settled plan, and vested in the mayor and aldermen for the time being. Another charter conceded to the Corporation the honour of having gold and silver maces borne before the chief functionary, who about this period became first entitled to take rank as Lord Mayor. The vast wealth and importance of this great civic dignitary was to be seen in the state he kept up. The Lord Mayor even then dispensed a princely hospitality, and one eminent citizen in this reign, Henry Picard by name, had the honour of entertaining four sovereigns at his table, viz. the kings of England, France, Scotland, and Cyprus,

* Sir Edward Coke derives the title of the court from the fact that justice was done in them as speedily as dust can fall from the foot.

with the Prince of Wales and many more notables. This Picard was one of the Guild of Merchant Vintners of Gascony, a Bordeaux wine merchant, in fact, and a Gascon by birth, although a naturalized subject of the English king. The Vintners gave the city several lord mayors.

Richard II. was not so well disposed towards the city. Recklessly extravagant, wasteful and profuse in his way of living, he was always in straits for cash. The money needed for his frivolous amusements and ostentatious display he wrung from the Corporation by seizing its charters, which were only redeemed by the payment of heavy fines. The sympathies of the city were therefore with Henry Bolingbroke in the struggle which followed. It was able to do him good service by warning him of a plot against his life, and Henry, now upon the throne, to show his gratitude, and "cultivate the good understanding thus commenced with the city, granted it a new charter." The most important clause of Henry's charter was that which entrusted the citizens, their heirs and successors, with the custody "as well of the gates of Newgate and Ludgate, as all other gates and posterns in the same city." The same clause gave them the office of gathering the tolls and customs in Cheap, Billingsgate, and Smithfield there rightfully to be taken and accustomed ;* "and also the tronage,

* A toll had been levied thirty years earlier (1373) for the cleansing of Smithfield, which may be referred to here. It is interesting as showing the status at this period of the keeper of Newgate.

that is to say, the weighing of lead, wax, pepper, allom, madder, and other like wares, within the said city for ever." The great concession was, however, in the reign of Edward IV., whose charter was the fullest and most explicit of any previously granted. By this the mayor, recorder, and aldermen who had been Lord Mayor were constituted perpetual justices of the peace of the city; they were also appointed justices of *oyer* and *terminer;* their customs were to be accepted as established beyond controversy by the declaration of the mayor through the recorder; they were exempted from serving as jurors, and so forth, beyond the city. The borough of Southwark was once more clearly placed under the jurisdiction of the city; the citizens were entitled to the goods and chattels of traitors and felons, and the privilege of the annual Southwark Fair, with the pie powder court, was confirmed.

By this time the gate and prison must have passed under the control of the civic authorities. They had, however, already enjoyed the privilege of contributing to its charges. This appears from an entry as far back as September 1339, in the account of expenditure of Thomas de Maryus, chamberlain. The item is for "moneys delivered to William Simond, Sergeant of the Chamber, by precept of the mayor and aldermen,

He, Adam Fernham by name, was one of those selected to levy the toll, and with two others was sworn faithfully to collect and receive the pennies, and cleanse the field, for a term of three years. Fernham must have been a man of credit and good repute to have been thus chosen.

for making the pavement within Newgate, £7 6*s.* 8*d.*" How complete became the power and responsibility of the Corporation and its officers is to be seen in the account given in the 'Liber Albus' of the procedure when new sheriffs were appointed.* They were sworn on appointment, and with them their officers, among whom were the governor of Newgate and his clerk. After dinner on the same day of appointment the old and new sheriffs repaired to Newgate, where the new officials took over all the prisoners "by indenture" made between them and the old.† They were also bound to "place one safeguard there at their own peril," and were forbidden to "let the gaol to fenn or farm." Other restrictions were placed upon them. It was the sheriffs' duty also, upon the vigil of St. Michael, on vacating their office, to resign into the hands of the mayor for the time being the keys of Newgate, the Cocket or Seal of Newgate, and all other things

* For full account see Riley's 'Liber Albus,' p. 41.

† Sheriff Hoare (1740-1) tells us how the names of the prisoners in each gaol were read over to him and his colleagues; the keepers acknowledged them one by one to be in their custody, and then tendered the keys, which were delivered back to them again, and after executing the indentures, the sheriffs partook of sack and walnuts, provided by the keepers of the prison, at a tavern adjoining Guildhall. Formerly the sheriffs attended the Lord Mayor on Easter Eve through the streets to collect charity for the prisoners in the city prison. Sheriffs were permitted to keep prisoners in their own houses, hence the Sponging Houses. The "Sheriffs' Fund" was started in 1807 by Sir Richard Phillips, who, in his letter to the Livery of London, states that he found, on visiting Newgate, so many claims on his charity that he could not meet a tenth part of them. A suggestion to establish a sheriffs' fund was thereupon made public and found general support. In 1867 the fund amounted to £13,000.

pertaining unto the said sheriffwick.* All the civic authorities, mayor, sheriffs, aldermen, and their servants, including the gaoler of Newgate, were forbidden to brew for sale, keep an oven, or let carts for hire; "nor shall they be regrators of provisions, or hucksters of ale, or in partnership with such." Penalties were attached to the breach of these regulations. It was laid down that any who took the oath and afterwards contravened it, or any who would not agree to abide by the ordinance, should be forthwith "ousted from his office for ever." It was also incumbent upon the sheriffs to put "a man sufficient, and of good repute, to keep the gaol of Newgate in due manner, without taking anything of him for such keeping thereof, by covenant made in private or openly." Moreover, the gaoler so appointed swore before the Lord Mayor and aldermen that "neither he nor any of them shall take fine or extortionate charge from any prisoner by putting on or taking off his irons, or shall receive moneys extorted from such prisoners." He was permitted to levy fourpence from each upon release, "as from ancient time has been the usage, but he shall take fees from no person at his entrance there;" indeed, he was warned that if he practised extortion he would be "ousted from his office," and punished at the discretion of the mayor, aldermen, and common council of the city.

It will be made pretty plain, I think, in subsequent pages, that these wise and righteous regulations were

* 'Liber Albus,' Riley, p. 108.

both flagrantly ignored and systematically contravened. The rule against farming out the prison may have been observed, and it may not be clearly proved that the sheriffs ever took toll from the gaoler. But the spirit of the law, if not its letter, was broken by the custom which presently grew general of making the gaolership a purchaseable appointment. The buying and selling of offices, of army commissions, for instance, as we have seen practised within recent years, at one time extended also to the keeperships of gaols. It is recorded in the Calendar of State papers that one Captain Richardson agreed for his place as keeper of Newgate for £3000. A larger sum, viz. £5000, was paid by John Huggins to Lord Clarendon, who "did by his interest" obtain a grant of the office of keeper of the Fleet prison for the life of Huggins and his son. One James Whiston, in a book entitled 'England's Calamities Discovered, or Serious Advice to the Common Council of London,' * strongly remonstrates against this practice, which he stigmatizes as "bartering justice for gold." His language is plain and forcible. "Shall the public houses built at the city charges [it appears that at that time Ludgate, Newgate, the Fleet, and the Compters were all put up to the highest bidder] be sold for private lucre? . . . He that sells a gaoler's place sells the liberty, the estate, the person, nay, the very lives of the prisoners under his jurisdiction." "Purchased cruelty," the right to oppress the prisoners, that is to say, in order

* 'Harleian Miscell.,' vol. vi.

to recover the sums spent in buying the place, "is now grown so bold that if a poor man pay not extortionary fees and ruinous chamber-rent, he shall be thrown into holes and common sides to be devoured by famine, lice, and disease. I would fain know," he asks, "by what surmise of common sense a keeper of a prison can demand a recompense or fee from a prisoner for keeping him in prison? . . . Can he believe that any person can deserve a recompense for opening the door of misery and destruction? . . . But now such is the confidence of a purchaser, that to regain his sum expended he sells his tap-house at prodigious rates, . . . he farms his sheets to mere harpies, and his great key to such a piece of imperious cruelty (presumably his chief turnkey) as is the worst of mankind." Following the same line of argument, he says "it will perhaps be thought impertinent to dispute a gaoler's demands for admitting us into his loathsome den, when even the common hangman, no doubt encouraged by such examples, will scarce give a malefactor a cast of his office without a bribe, demands very formally his fees, forsooth, of the person to be executed, and higgles with him as nicely as if he were going to do him some mighty kindness." Eventually an act was passed specifically forbidding the sale of such places. This statute affirms that "none shall buy, sell, let, or take to farm, the office of under-sheriff, gaoler, bailiff, under pain of £500, half to the king and half to him that shall sue."

Before leaving the subject of the sheriffs' jurisdiction

in regard to Newgate, it may be interesting to refer to a conflict between them and the Corporation as to the right to appoint the gaoler. It is recorded in the State papers, under date March 1, 1638, that Isaac Pennington and John Wollaston were elected and sworn sheriffs for the ensuing year. They went, according to ancient custom, to Newgate, where, having received the keys and the charge of the prisoners from the former sheriffs, they substituted for the actual keeper one James Francklin, who about the 15th of the following October died. Accordingly the sheriffs appointed and settled Henry Wollaston as keeper of the gaol, who peaceably executed the duties of that place for six weeks. The rest of the story is best told in the language of the record. After that time "the Lord Mayor and aldermen, never charging Wollaston with any miscarriage, sent for him to their court at Guildhall, and demanded of him the keys of the said prison, who refusing to deliver them to any without the consent of the sheriffs, was then detained until some officers were sent from the said court, who forcibly brought the officer's servants intrusted with the said keys and prisoners by the said Wollaston, and, without the knowledge or consent of the said sheriffs, delivered them to Richard Johnson, a young man not free of the city, clerk to the recorder, whom they (the sheriffs, from whom this protest comes) consider to be very unfit for such a trust. For redress, the sheriffs by all fair means have applied themselves divers times to the Lord Mayor and court of aldermen, who refuse

to restore the said Wollaston. The sheriffs conceive that the trust and keeping of the said gaol, both by law and reason, ought to be in their disposition, and that it is inseparable, incident to, and of common right belonging to their office, they being liable to punishments for any escapes, and amerciaments for non-appearance of prisoners in Her Majesty's courts of justice, with many other such like damages and fears."

How the case was finally settled does not appear. But the matter was one in which the king (Charles I.) would probably claim to have a voice. The appointment might be in the gift and actually made by the Corporation, but the city authorities were often invited by the Court to put in some royal nominee, a request which might easily be interpreted into a command. Thus in April 1594, the Lords of the Council addressed the mayor, aldermen, and sheriffs, soliciting them to appoint Richard Hutchman, one of Her Majesty's sergeants-at-arms, keeper of Newgate, *vice* Dios, deceased. In June the Corporation reply that they regret they cannot appoint Hutchman. The Lords' Council now issue a peremptory order to place him in office, which was done, but the Corporation was not to be beaten. Next year a fresh representation is made to the Lords in Council, stating the reasons why the city authorities had dismissed Mr. Hutchman from his place.

Another State paper, dated 1633, gives a draft of a letter recommending one A. B. for the appointment of

keeper, vacant by the "nomination of one not deemed to have been legally put in." Some seventy years later, according to another authority, the question was definitely settled. In this (dated 1708) it is set forth that "the keeper of the prison holds that place of great trust under the queen (Anne), giving about £8000 security, and the prison is turned over to each of the new sheriffs when sworn in by delivering them a key. The place is in the gift of the Lord Mayor and aldermen."

Let us return to Mediæval Newgate. Whatever the authority, whether royal or civic, the condition of the inmates must have been wretched in the extreme, as the few brief references to them in the various records will sufficiently prove. The place was full of horrors; the gaolers rapacious and cruel. In 1334 an official inquiry was made into the state of the gaol, and some of the atrocities practised were brought to light. Prisoners detained on minor charges were cast into deep dungeons, and there associated with the worst criminals. All were alike threatened, nay tortured, till they yielded to the keepers' extortions, or consented to turn approvers and swear away the lives of innocent men. These poor prisoners were dependent upon the charity and good-will of the benevolent for food and raiment. As far back as 1237 it is stated that Sir John Pulteney gave four marks by the year to the relief of prisoners in Newgate. In the year 1385 William Walworth, the stalwart mayor whose name is well remembered in connection with

Wat Tyler's rebellion, gave "somewhat" with the same good object. "So have many others since," says the record. The water supply of the prison, Stowe tells, was also a charitable gift. "Thomas Knowles, grocer, sometime Mayor of London, by license of Reynold, prior of St. Bartholomew's in Smithfield, and also of John Wakering, master of the hospital of St. Bartholomew, and his brethren, conveyed the waste of water at the cistern near unto the common fountain and Chapel of St. Nicholas (situate by the said hospital) to the gaols of Ludgate and Newgate, for the relief of the prisoners."

In 1451, by the will of Phillip Malpas, who had been a sheriff some twelve years previous, the sum of £125 was bequeathed to "the relief of poor prisoners." This Malpas, it may be mentioned here, was a courageous official, ready to act promptly in defence of city rights. In 1439 a prisoner under escort from Newgate to Guildhall was rescued from the officer's hands by five companions, after which all took sanctuary at the college of St. Martin's-le-Grand.* "But Phillip Malpas and Robert Marshal, the sheriffs of London, were no sooner acquainted with the violence offered to their officer and the rescue of their prisoner, than they, at the head of a great number of citizens, repaired to the said college, and forcibly took from

* The exemption of St. Martin's from both ecclesiastical and civil jurisdiction lasted until the time of James I., and by affording easy sanctuary to malefactors of the city, was a great public nuisance. Loftie, i. 118.

thence the criminal and his rescuers, whom they carried in fetters to the Compter, and thence, chained by the necks, to Newgate."

For food the prisoners were dependent upon alms or upon articles declared forfeit by the law. Thus some bread of light weight, seized on the 10th August 1298, was ordered to be given to the prisoners in Newgate. Again, the halfpenny loaf of light bread of Agnes Foting of Stratford was found wanting 7 shillings (or $4\frac{1}{2}$ oz.) in weight; therefore it was adjudged that her bread should be forfeited, and it also was sent unto the gaol. All food sold contrary to the statutes of the various guilds was similarly forfeited to the prisoners. The practice of giving food was continued through succeeding years, and to a very recent date. A long list of charitable donations and bequests might be made out, bestowed either in money or in kind. A customary present was a number of stones of beef. Some gave penny loaves, some oatmeal, some coals. Without this benevolence it would have gone hard with the poor population of the Gatehouse gaol. It was not strange that the prison should be wasted by epidemics, as when in 1414 "the gaoler died and prisoners to the number of sixty-four;" or that the inmates should at times exhibit a desperate turbulence, taking up arms and giving constituted authority much trouble to subdue them, as in 1457 when they broke out of their several wards in Newgate, and got upon the leads, where they defended themselves with great obstinacy against the sheriffs and

their officers, insomuch that they, the sheriffs, were obliged to call the citizens to their assistance, whereby the prisoners were soon reduced to their former state.

The evil effects of incarceration in Newgate may be further judged by the fate which overtook the city debtors who were temporarily removed thither from Ludgate. An effort had been made in 1419 to put pressure upon them as a class. An ordinance was issued by Henry V. closing the Ludgate prison for debtors. It had been found that "many false men of bad disposition and purpose have been more willing to take up their abode there, so as to waste and spend their goods upon the ease and license that there is within, than pay their debts." Wherefore it was ordained that "all prisoners therein shall be removed and safely carried to Newgate, there to remain each in such keeping as his own deserts shall demand." The order was, however, very speedily rescinded. A later ordinance in the same year sets forth that "whereas, through the abolition and doing away with the prison of Ludgate, which was formerly ordained for the good and comfort of citizens and other reputable persons, and also by reason of the fœtid and corrupt atmosphere that is in the hateful gaol of Newgate, many persons who lately were in the said prison of Ludgate, who in the time of William Sevenoke, late mayor, for divers great offences which they had there compassed were committed to the said gaol (of Newgate), are now dead, who might have been living, it is said, if they had

The true portraicture of RICHARD WHITINGTON *thryse Lord Maior of London a vertuous and godly man full of good Works and thryse famous he builded the Gate of London called Newegate which before was a miserable dongeon. He builded Whitington Colledge & made it an Almose house for poore people Also he builded a greate parte of ye hospitall of S. Bartholomewes in westsmithfield in London. He also builded the beautifull Library at ye Grey Friers in Londe, called Chrusches Hospitall. Also he builded the Guilde Halle Chapell and inereased a greate parte of the East ende of the saied halle, beside many other good workes.*

R. Fflyer. Sculpsit

remained at Ludgate abiding in peace there; and seeing that every person is sovereignly bound to support and be tender to the lives of men, the which God hath bought so dearly with His precious blood; therefore Richard Whittington, now mayor (1419), and the aldermen, on Saturday the 2nd November, have ordained and established that the gaol of Ludgate shall be a prison from henceforth to keep therein all citizens and other reputable persons whom the mayor, aldermen, sheriffs, or chamberlain of the city shall think proper to commit and send to the same, provided always that the warder shall be a good and loyal man, giving sufficient surety," &c. Ten or twelve years later a similar exodus from Ludgate to Newgate and back again took place. "On the Tuesday next after Palm Sunday 1431, all the prisoners of Ludgate were conveyed into Newgate by Walter Chartsey and Robert Large, sheriffs of London, and on the 13th April the same sheriffs (through the false suggestion of John Kingesell, gaoler of Newgate) did fetch from thence eighteen persons, freemen, and these were led to the Counters pinioned as if they had been felons. But on the 16th June Ludgate was again appointed for freemen, prisoners for debt, and the same day the same freemen entered by ordinance of the mayor, aldermen, and commons; and by them Henry Deane, tailor, was made keeper of Ludgate."

One other charitable bequest must be referred to here, as proving that the moral no less than the physical well-being of the prisoners was occasionally

an object of solicitude. In the reign of Richard II. a prayer-book was specially bequeathed to Newgate in the following terms :—

"Be it remembered that on the 10th day of June, in the 5th year (1382), Henry Bever, parson of the church of St. Peter in Brad Street (St. Peter the Poor, Broad Street), executor of Hugh Tracy, Chaplain, came here before the mayor and aldermen and produced a certain book called a 'Porte hors,' * which the same Hugh had left to the gaol of Newgate, in order that priests and clerks there imprisoned might say their service from the same, there to remain so long as it might last. And so in form aforesaid the book was delivered unto David Bertelike, keeper of the gate aforesaid, to keep it in such manner so long as he should hold that office; who was also then charged to be answerable for it. And it was to be fully allowable for the said Henry to enter the gaol aforesaid twice in the year at such times as he should please, these times being suitable times, for the purpose of seeing how the book was kept." †

We are without any very precise information as to the state of the prison building throughout these dark ages. But it was before everything a gate-house, part and parcel of the city fortifications, and therefore more care and attention would be paid to its external than its internal condition. It was subject, moreover, to the violence of such disturbers of the peace as the

* Or "Porti-foug," a breviary which could be carried about.

† Riley's 'Memorials of London,' p. 466.

followers of Wat Tyler, of whom it is written that, having spoiled strangers "in most outrageous manner, entered churches, abbeys, and houses of men of law, which in semblable sort they ransacked, they also brake up the prisons of Newgate and of both the Compters, destroyed the books, and set the

DEATH-BED OF WHITTINGTON.

prisoners at liberty." This was in 1381. Whether the gaol was immediately repaired after the rebellion was crushed does not appear; but if so, the work was only partially performed, and the process of dilapidation and decay must soon have recommenced, for in

Whittington's time it was almost in ruins. That eminent citizen and mercer, who was three times mayor, and whose charitable bequests were numerous and liberal, left moneys in his will for the purpose of rebuilding the place, and accordingly license was granted in 1422, the first year of Henry VI.'s reign, to his executors, John Coventre, Jenken Carpenter, and William Grove, "to re-edify the gaol of Newgate, which they did with his goods." This building, such as it was, continued to serve until the commencement of the seventeenth century.

In 1629 a petition from the gaoler to the king sets forth * that "by reason of the great ruins of the gaol it is now in hand to be repaired." The gaoler further states that there is great danger lest in time of repair some of the prisoners should escape, and prays directions to the Lord Mayor and Recorder to certify how many prisoners are capable of His Majesty's mercy, and to the Attorney General to prepare pardons. This document is under-written, "Reference to Recorder to certify, and to the Attorney General to prepare, a pardon;" following which is a recommendation from Sir Heneage Finch (the first-named official) to release forty-four. Subsequently the east side of Newgate was "begun to be repaired, Sir James Campbell being mayor, and finished the year following, Sir Robert Drury, Baronet, being mayor." The expense was borne wholly or partly by the locality, as the records show in 1632 an account

* State Papers.

of the assessment of the parish of St. Stephen Walbrook, in which "two fifteenths were to be gathered for repairing Newgate." It is this re-edification which is referred to in Lupton's 'London Carbonadoed,' 1638, who speaks of Newgate as new fronted and new faced.

I have been unable to ascertain any exact figure of this old Newgate, either in its ancient or improved aspect. The structure, such as it was, suffered so severely in the great fire of 1666 that it became necessary to rebuild it upon new and more imposing lines.

This may be described as the third edifice : that of the twelfth century being the first, and Richard Whittington's the second. Of this third prison details are still extant, and I propose to describe it fully on a later page.*

* See chap. iv.

CHAPTER II.

NEWGATE IN THE SIXTEENTH CENTURY.

Prison records meagre—Administration of justice and state of crime—Lenity alternates with great severity—Disturbances in London—The 'Black Waggon'—A 'prentice riot—Criminal inmates of Newgate—Masterless men—Slandering the Corporation—Robbery with violence—Debtors—Conscience prisoners—Martyrs in reign of Henry VIII.—Religious dissidents: Porter, Anne Askew—Maryan persecutions—Rogers—Bishop Hooper—Philpot—Alexander the cruel gaoler of Newgate—Underhill the hot gospeller in Newgate—Crime in Elizabeth's reign—The training of young thieves—Elizabethan persecutions: both puritans and papists suffered—The seminary priests—Political prisoners—Condition of gaol—Oppression of the inmates and their disorderly conduct—Gaolers of that period generally tyrants—Crowder, keeper of Newgate, called to account.

The prison records of the sixteenth century are very meagre. No elaborate system of incarceration as we understand it existed. The only idea of punishment was the infliction of physical pain. There were prisons, but these receptacles, except for debtors, were only the ante-chambers of the pillory and the scaffold. The penalties inflicted were purely personal, and so to speak final; such as chastisement, degradation, or death. England had no galleys, no scheme of enforced labour at the oar, such as was known to

the nations of the Mediterranean seaboard, no method of compelling perpetual toil in quarry or mine. The germ of transportation no doubt was to be found in the practice which suffered offenders who had taken sanctuary to escape punishment by voluntary exile,* but it was long before the plan of deporting criminals beyond seas became the rule. In Henry VIII.'s time, says Froude, "there was but one step to the gallows from the lash and the branding-iron." Criminals did not always get their deserts, however. Although historians have gravely asserted that seventy-two thousand executions took place in this single reign, the statement will not bear examination, and has been utterly demolished by Froude.† As a matter of fact offenders far too often escaped scot free through the multiplication of sanctuaries, which refuges, like that of St. Martin's-le-Grand, existed under the very walls of Newgate, the negligence of pursuers, and not seldom the stout opposition of the inculpated.‡

* This abjuring the king's land was an act of self-banishment, akin in its effects to the old Roman penalty of *aquæ et ignis interdictio*. Any criminal who took sanctuary might escape the law, provided that within forty days he clothed himself in sackcloth, confessed his crime before the coroner, and after solemnly abjuring the land, proceeded, cross in hand, to some appointed port, where he embarked and left the country. If apprehended within forty days he was again suffered to depart.—Note in Thom's 'Stow,' p. 157.

† It was based on a passage in the commentaries of Jerome Cardan. Cardan, in a calculation of the horoscope of Edward VI., amidst much astrological rubbish relates, on hearsay, his authority being the Bishop of Lisieux, that seventy-two thousand criminals had perished by the executioner in the reign of Henry VIII.—Froude, iii. 227.

‡ Froude.

Benefit of clergy claimed and conceded on the most shadowy grounds was another easy and frequent means of evading the law. Some judges certainly had held that the tonsure was an indispensable proof; but all were not so strict, and "putting on the book," in other words, the simple act of reading aloud, was deemed sufficient. So flagrant was the evasion of the law, that gaolers for a certain fee would assist accused persons to obtain a smattering of letters, whereby they might plead their "clergy" in court. It may be added that although the abuse of the privilege was presently greatly checked, it was not until the reign of William and Mary that benefit of clergy was absolutely denied to burglars, pickpockets, and other heinous offenders.

Yet there were occasional spasmodic intervals of extraordinary severity. Twenty thieves, says Sir Thomas More in his 'Utopia,' might then be seen hanging on a single gibbet. Special legislation was introduced to deal with special crimes. Although there was an appropriateness in the retribution which overtook him, the sentence inflicted upon the Bishop of Rochester's cook in 1531, under a new act passed on purpose, was ferociously cruel. This man, one Richard Rose or Rouse, was convicted of having poisoned sixteen persons with porridge specially prepared to put an end to his master. The crime had been previously almost unknown in England, and special statutory powers were taken to cope with it. An act was at once passed defining the offence to be

high treason, and prescribing boiling to death as the penalty. Rose was accordingly, after conviction, boiled alive in Smithfield. It may be added that this cruel statute, which may be read *in extenso* in Froude, was soon afterwards repealed, but not before another culprit, Margaret Davy by name, had suffered under its provisions for a similar offence.

Newgate, like all other gaols, was at times scandalously over-crowded, not only with the felons and trespassers who long languished waiting trial, but with far less guilty offenders. There were also the debtors and the conscience prisoners: the delinquents whose crime was impecuniosity or commercial failure, and the independent thinkers who stoutly maintained their right to profess forms of belief at variance with the government creed of the hour. It is only a passing glimpse that we get of the meaner sort of criminal committed to Newgate in these times. The gaol, as I have said, was but the ante-chamber to something worse. It was the starting-point for the painful promenade to the pillory. The jurors who were forsworn "for rewards or favour of parties were judged to ride from Newgate to the pillory in Cornhill with paper mitres on their heads, there to stand, and from thence again to Newgate." * Again, the ringleaders of false inquests, Darby, Smith, and Simson by name, were, in the first year of Henry's reign (1509), condemned to ride about the city with their faces to the horses' tails, and paper on their heads, and were set on the pillory

* Stowe's 'Survey,' p. 72.

at Cornhill. After that they were brought back to Newgate, where they died for very shame.*

A longer story and a heavier doom was that of the 'prentice lads who upon 'Evil May-day,' as it was afterwards called, raised a tumult in the city against the competition of foreign workmen, who were about this time established in great numbers in the suburbs. One John Lincoln, a meddlesome city broker, was so much exercised at this foreign interference that he went about seeking a parson who would declaim against it from the pulpit. One Dr. Bell or Bele, who was to preach at the Spital Church, agreed to read from the pulpit a bill which this Lincoln had drawn up, and which set forth the wrongs suffered by native artificers and merchants. Dr. Bell followed the reading by an inflammatory sermon upon the text *Pugna pro Patria*, by which "many a light-headed person took courage and openly spoke against" the foreigners. As divers ill things had been done of late by these strangers, the people's rancour was kindled most furiously against them. Conflicts took place in the streets between "the young men of the city" and the strangers, so that several of the former were committed to Newgate. Among others Stephen Studley, skinner, and Stephenson Betts. Then arose "a secret rumour that on May-day following the city would slay all the aliens." News thereof reached Cardinal Wolsey, who summoned the Lord Mayor, and desired him to take all due precautions. It was settled by agreement between

* Fabian's 'Chronicle.'

the Corporation and the cardinal that every citizen should be commanded to shut up his doors after nine at night, and keep his servants within. It so chanced that Alderman Sir John Mundy the same night, coming from his ward, found two young men playing at the bucklers, and many others looking on. The order for early closing had not indeed been fully circulated as yet. Sir John Mundy ordered the combatants to desist, and on their hesitation was for sending them to the Compter. But the apprentices rose against the alderman, crying, "'Prentices! clubs! clubs!" A crowd soon collected, the alderman took to flight, and by eleven at night there were in Cheap six or seven hundred "serving-men, watermen, courtiers, and others," and out of St. Paul's Churchyard came some three hundred more. The mob, growing riotous, attacked the Compter and released all prisoners confined therein for "hurting the strangers"; thence they went to Newgate and set free Studley and Betts. Gaining courage by these excesses, they ranged the streets, throwing sticks and stones, spoiling all they found. The strangers were the principal victims. The house of one Mewtas, a Picard, and those of other Frenchmen residing at the Greengate, Leadenhall, were broken open and plundered. The riot continued till three in the morning, "at which time they began to withdraw, but by the way were taken by the mayor and others, and sent to the Tower, Newgate and the Compters to the number of three hundred."

The king took very summary measures for the punish-

ment of the rioters. Bell the preacher was arrested and sent to the Tower. A commission of *oyer* and *terminer* was forthwith opened at the Guildhall, and the whole of the prisoners, to the number of two hundred and seventy-eight, were marched through the streets, tied with ropes, and put upon their trial. Lincoln the ring-leader and other thirteen were sentenced to be hanged, drawn, and quartered; for execution whereof ten pairs of gallows were put up in divers parts of the city: "before each of the Compters, at Newgate, St. Martin's, Aldersgate, and Bishopgate, which gallows were set on wheels, to be removed from street to street and door to door as the prisoners were to be executed." Lincoln suffered death, but the rest were reprieved pending the king's pleasure. He lay at his manor of Greenwich just then, and thither the mayor, recorder, and divers aldermen repaired to beg mercy for the city. But Henry VIII. was not to be easily appeased. He still blamed the city authorities for not checking these disorders in a more determined fashion, and referred them for answer to his chancellor the cardinal. Wolsey granted them his favour for a consideration, and counselled them to again petition the king. They came to him, therefore, at his palace of Westminster, to the number of four hundred men, in their shirts, bound together with ropes, and with halters about their necks, and were at first sharply rebuked by the cardinal, who told them they deserved death. But at the earnest entreaty of the attendant lords, who were much moved by the humiliating sight,

they were pardoned and dismissed. The gallows in the city were taken down, and all in durance were set free. Thus ended the "black waggon," as the procession of citizens was called, but "not, as it is thought, without paying a considerable sum of money to the cardinal to stand their friend, for at that time he was in such power he did all with the king." *

A few further extracts will serve to describe some other criminal inmates of Newgate in those times. The quotations are from the 'Remembrancia,' 1579—1664. Searches appear to have been regularly made for suspected persons, who when caught were committed to ward. Thus, 1519, a search was made in the house of William Solcocke in Holborne, and it was found that one Christopher Tyllesley had lain there two nights. "He has no master, and is committed to Newgate." Again, "in the house of Christopher Arundell one Robert Bayley: has no master, and is committed to Newgate." To Newgate were also committed any who were bold enough to malign the great Cardinal Wolsey, in the plenitude of his power, as was Adam Greene in June 1523, a prisoner in Ludgate, who repeated to the keeper what he had heard from a "bocher" (butcher), to the effect that Wolsey had told the king that all London were traitors to his Grace. Greene was warned to keep silent, but he said "he would abide by it, for he had it from a substantial man who would also abide by it."

It was not less dangerous to let the tongue wag

* 'Maitland,' i. 226.

too freely against the city authorities. Articles are exhibited (April, 1524) against "John Sampye, tailor, for saying (1) that he had been wrongfully imprisoned in the Compter by the Mayor of London and Nicholas Partriche, alderman; (2) that they had no power to send any man to ward; (3) that many were cast away by lying in the Compter and Newgate at the command of the Corporation." The Corporation appear also to have dealt in a very high-handed fashion with the city bakers, possibly to break down their monopoly, but a little on personal private grounds. In 1526 the bakers petition Wolsey for redress, setting forth that they have always been accustomed to "occupy the making and selling of bread for the city, and since the time of Edward II. have been used to take up wheat arriving in London at the price given them by the mayor; but within the last five years certain persons, aldermen and others, out of malice to the mystery and under colour of common weal, have procured that all the wheat coming to the city should be garnered at the Bridge House, and the bakers suffered to buy no other. . . . Lately the mayor and aldermen tried to compel the bakers to buy two thousand quarters of musty wheat at 12*s.* when sweet wheat may be bought for 7*s.* or 8*s.*" When some bakers refused the mayor sent them to Newgate for eleven days, and shut up their houses and shops, not allowing their wives or families to visit them or buy their bread.

Now and again more serious crimes are recorded.

In March 1528, Stephen reports to Thomas Cromwell that between the hours of six and seven, "five thieves knocked at the door of Roderigo the Spaniard, which dwelleth next the goldsmith against your door.* Being asked who was there, they answered one from the Court, to speak with Roderigo. When the door was opened three of them rushed in and found the said Roderigo sitting by the fire with a poor woman dwelling next to Mrs. Wynsor. Two tarried and kept the door, and strangled the poor woman that she should not cry. They then took Roderigo's purse, and killed him by stabbing him in the belly, but had not fled far before two of them were taken and brought to Newgate."

Debtors were too small fry to be often referred to in the chronicles of the times. Now and again they are mentioned as fitting objects for charity, royal and private. In the king's book of payments is the following entry, under date May 1515. "Master Almoner redeeming prisoners in Newgate, Ludgate, and the Compter, £20." The State Papers, 1581, contain a commission to the Lord Mayor, recorder, and sheriffs of London, and many others, all charitable folk, and some sixty in number, to compound with the creditors of poor debtors, at that time prisoners in Newgate, Ludgate, and the two Compters of the city. Although debtors in gaol who volunteered for service on shipboard were discharged by proclamation

* Cromwell's house was in the city in Throgmorton Street, close to the site of the monastic house of the Austin Friars.

from the demands of their creditors, as a general rule committal to Newgate on account of monetary mismanagement appears to have been more easily compassed than subsequent release. The same volume of State Papers contains a petition from Richard Case to Lord Burghley, to the effect that he had been committed to Newgate "upon the unjust complaint of Mr. Benedict Spinola, relative to the lease of certain lands and tenements in London." The petitioner further "desires to be discharged from prison, and to have the queen's pardon," but there is no allusion to his enlargement.* The impolicy of confining debtors was not to be fully realized till three more centuries had passed away. But as early as 1700 a pamphlet preserved in the 'Harleian Miscellany,' and entitled 'Labour in Vain,' anticipates modern feeling and modern legislation. The writer protests against the imprisonment of debtors, which he compares to shutting up a cow from herbage when she gives no milk. "In England we confine people to starve, contrary to humanity, mercy, or policy. One may as reasonably expect his dog," he says, "when chained to a post should catch a hare, as that poor debtors when in gaol should get wherewithal to pay their debts."

* This Benedict Spinola must have been an Italian with some influence. His personal relations with Burghley are manifest from a letter of congratulation sent by him to Burghley on the safe arrival of the Earl of Oxford at Milan. Other more or less confidential matters are mentioned in connection with Pasqual and Jacob Spinola, Benedict's brothers.

Details of the incarceration and sufferings of prisoners for conscience sake, in an age when polemics were backed up by the strong arm of the law, are naturally to be met with more frequently in the partisan writings of the time. Throughout the reigns of Henry VIII., Mary, and even in that of Elizabeth, intolerance stalked rampant through the land, filling the prisons and keeping Smithfield in a blaze. Henry was by turns severe on all creeds. Now Protestants, now Catholics suffered. He began as an ardent champion of Romish doctrines, and ended by denying the supremacy of the Pope. In the first stage he persecuted so-called heretics, in the second he despoiled Church property, and sent monks and priors to gaol and to the gallows. Foxe gives a long and detailed list of the Protestant martyrs from first to last. One of the most prominent was Richard Bayfield, a monk of Bury, who became an inmate of Newgate. Foxe relates * that a letter of inquiry was issued by the Bishop of London to the Lord Mayor and sheriffs to be present at St. Paul's on the 20th November 1531, to receive the said Richard Bayfield, alias Soundesam, "a relapsed heretic after sentence." The sheriffs carried him to Newgate, whence they were commanded again to bring him into Paul's upper choir, there to give attendance upon the bishop. Later on they are ordered to have him into the vestry, and then to bring him forth again in Antichrist's apparel to be degraded before them. "When the bishop had degraded him."

* Vol. iv. pp. 6, 7.

says old Foxe, "kneeling upon the highest step of the altar, he took his crosier staff and smote him on the breast that he threw him down backwards and brake his head, and that he swooned; and when he came to himself again he thanked God that he was delivered from the malignant Church of Antichrist, and that he was come into the true sincere Church of Jesus Christ militant here on earth; . . . . and so was he led forth through the choir to Newgate, and there rested about an hour in prayer, and so went to the fire in his apparel manfully and joyfully, and there for lack of a speedy fire was two quarters of an hour alive."

Henry was, however, impartial in his severity. In 1533 he suffered John Frith, Andrew Hewett, and other Protestants, to the number of twenty-seven, to be burned for heresy. The years immediately following he hunted to death all who refused to acknowledge him as the head of the Church. Besides such imposing victims as Sir Thomas More, and Fisher, Bishop of Rochester, many priests suffered. In 1534 the prior of the London Carthusians, the prior of Hexham, Benase, a monk of Sion College, and John Haite, vicar of Isleworth, together with others,* were sentenced to be hanged and quartered at Tyburn. In

* Of these ten friars of the Charterhouse sent to Newgate, Froude says "nine died of prison fever and filth, the tenth survivor was executed." Secretary Bedyll, writing to Cromwell concerning them, says, "It shall please your lordship to understand that the monks of the Charterhouse here in London, which were committed to Newgate for their traitorous behaviour long time continued against the king's Grace, be almost despatched by the hand of God, as may appear to you by the bill enclosed."

1538 a friar, by name Forrest, was hanged in Smithfield upon a gallows, quick, by the middle and armholes, "and burnt to death for denying the king's supremacy and teaching the same in confession to many of the king's subjects." Upon the pile by which Forrest was consumed was also a wooden image, brought out of Wales, called "Darvell Gatheren," which the Welshmen "much worshipped, and had a prophecy amongst them that this image would set a whole forest on fire, which prophecy took effect." *

The greatest trials were reserved for the religious dissidents who dared to differ with the king. Henry was vain of his learning and of his polemical powers. No true follower of Luther, he was a Protestant by policy rather than conviction, and he still held many tenets of the Church he had disavowed. These were embodied and promulgated in the notorious Six Articles, otherwise "the whip with six tails," or the Bloody Statute, so called from its sanguinary results. The doctrines enunciated were such that many could not possibly subscribe to them; the penalties were "strait and bloody," and very soon they were widely inflicted. Foxe, in a dozen or more pages, recounts the various presentments against individuals, lay and clerical, for transgressing one or more of the principles of the Six Articles; and adds to "the aforesaid, Dr. Taylor, parson of St. Peter's, in Cornhill; South, parish priest of Allhallows, in Lombard Street; Some, a priest; Giles, the king's beer-

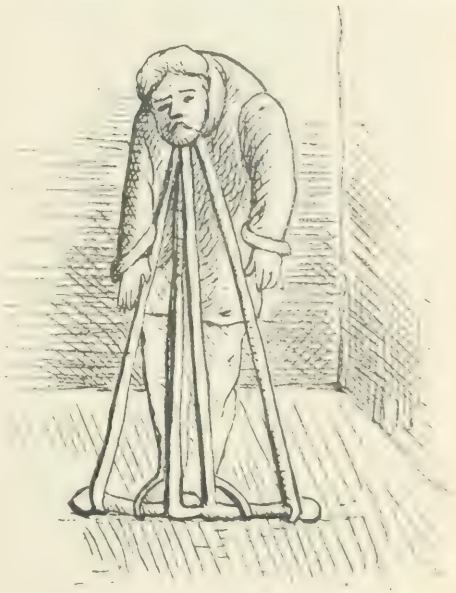
* 'Foxe,' v. 180.

brewer, at the Red Lion, in St. Katherine's; Thomas Lancaster, priest; all which were imprisoned likewise for the Six Articles." "To be short," he adds, "such a number out of all parishes in London, and out of Calais, and divers other quarters, were then apprehended through the said inquisition, that all prisons in London, including Newgate, were too little to hold them, insomuch that they were fain to lay them in the halls. At last, by the means of good Lord Audeley, such pardon was obtained of the king that the said Lord Audeley, then Lord Chancellor, being content that one should be bound for another, they were all discharged, being bound only to appear in the Star Chamber the next day after All Souls, there to answer if they were called; but neither was there any person called, neither did any appear."*

Bonner, then Bishop of London, and afterwards one of the queen's principal advisers, had power to persecute even under Henry. The Bible had been set up by the king's command in St. Paul's, that the public might read the sacred word. "Much people used to resort thither," says Foxe, to hear the reading of the Bible, and especially attended the reading of one John Porter, "a fresh young man, and of a big stature," who was very expert. It displeased Bonner that this Porter should draw such congregations, and sending for him, rebuked him very sharply for his reading. Porter defended himself, but Bonner charged him with making expositions on the text,

* 'Foxe,' v. 451.

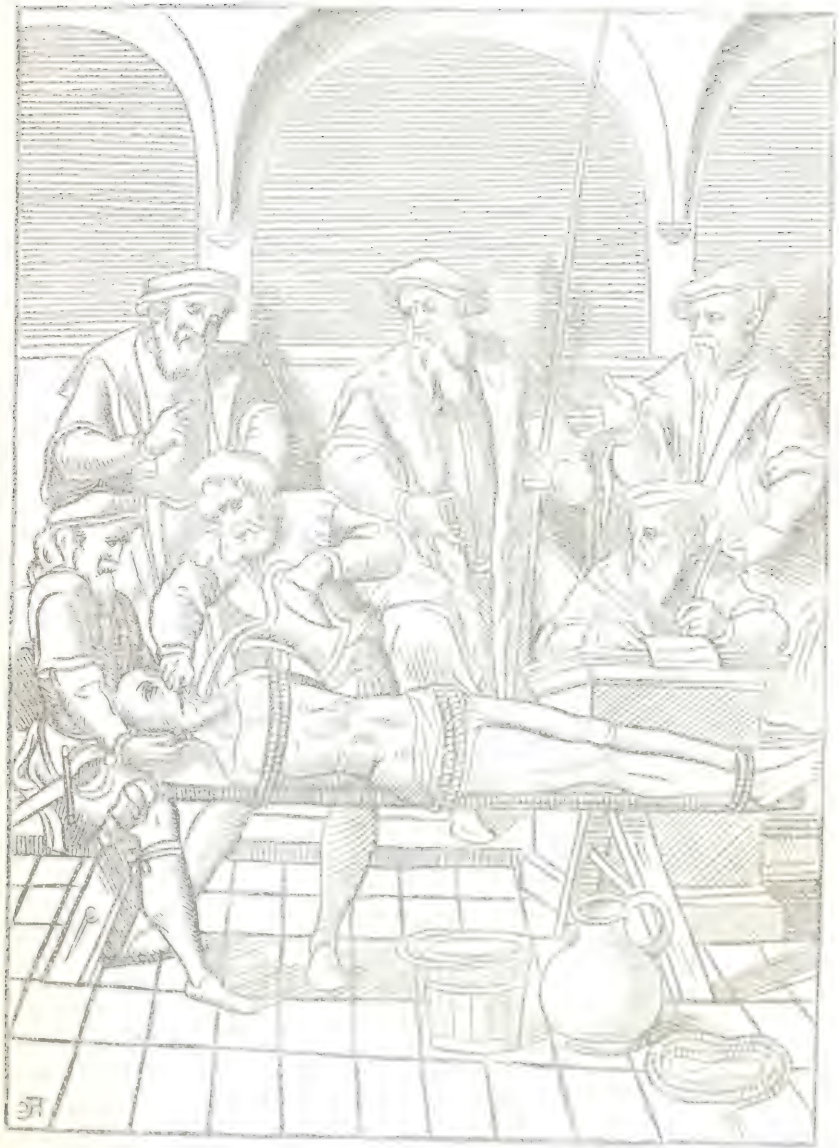
and gathering "great multitudes about him to make tumults." Nothing was proved against Porter, but "in fine Bonner sent him to Newgate, where he was miserably fettered in irons, both legs and arms, with a collar of iron about his neck, fastened to the wall in the dungeon; being there so cruelly handled that he was compelled to send for a kinsman of his, whose name is also Porter, a man yet alive, and can testify that it is true, and dwelleth yet without Newgate. He, seeing his kinsman in this miserable case, entreated Jewet, the keeper of Newgate, that he might be released out of those cruel irons, and so, through friendship and money, had him up among other prisoners, who lay there for felony and murder." Porter made the most of the occasion, and after hearing and seeing their wickedness and blasphemy, exhorted them to amendment of life, and "gave unto them such instructions as he had learned of in the Scriptures; for which his so doing he was complained,



SKEFFINGTON'S GYVES.

and so carried down and laid in the lower dungeon of all, oppressed with bolts and irons, where, within six or eight days, he was found dead."

But the most prominent victim to the Six Articles was Anne Askew, the daughter of Sir William Askew, knight, of Lincolnshire. She was married to one Kyme, but is best known under her maiden name. She was persecuted for denying the Real Presence, but the proceedings against her were pushed to extremity, it was said, because she was befriended in high quarters. Her story is a melancholy one. First one Christopher Dene examined her as to her faith and belief in a very subtle manner, and upon her answers had her before the Lord Mayor, who committed her to the Compter. There, for eleven days, none but a priest was allowed to visit her, his object being to ensnare her further. Presently she was released upon finding sureties to surrender if required, but was again brought before the king's council at Greenwich. Her opinions in matters of belief proving unsatisfactory, she was remanded to Newgate. Thence she petitioned the king, also the Lord Chancellor Wriottesley, "to aid her in obtaining just consideration." Nevertheless, she was taken to the Tower, and there tortured. Foxe puts the following words into her mouth: "On Tuesday I was sent from Newgate to the sign of the Crown, where Master Rich and the Bishop of London, with all their power and flattering words, went about to persuade me from God, but I did not esteem their glosing pretences. . . . . Then Master



Rich sent me to the Tower, where I remained till three o'clock." At the Tower strenuous efforts were made to get her to accuse others. They pressed her to say how she was maintained in prison; whether divers gentlewomen had not sent her money. But she replied that her maid had "gone abroad in the streets and made moan to the 'prentices," who had sent her alms. When further urged, she admitted that a man in a blue coat had delivered her ten shillings, saying it came from my Lady Hertford, and that another in a violet coat had given her eight shillings from my Lady Denny—"whether it is true or not I cannot tell." "Then they said three men of the council did maintain me, and I said no. Then they did put me on the rack because I confessed no ladies or gentlemen to be of my opinion, and thereon they kept me a long time; and because I lay still, and did not cry, my Lord Chancellor and Master Rich took pains to rack me with their own hands till I was nigh dead. Then the lieutenant (Sir Anthony Knevet) caused me to be loosed from the rack. Incontinently I swooned, and then they recovered me again. After that I sat two long hours, reasoning with my Lord Chancellor, on the bare floor." At last she was "brought to a house and laid in a bed with as weary and painful bones as ever had patient Job; I thank my Lord God there-for. Then my Lord Chancellor sent me word, if I would leave my opinion, I should want nothing; if I did not, I should forthwith to Newgate, and so be burned. . . ."

Foxe gives full details of her torture in the Tower.

At first she was let down into a dungeon, and the gaoler, by command of Sir Anthony Knevet, pinched her with the rack. After this, deeming he had done enough, he was about to take her down, but Wriottesley, the Lord Chancellor, "commanded the lieutenant to strain her on the rack again; which, because he denied to do, tendering the weakness of the woman, he was threatened therefore grievously of the said Wriottesley, saying he would signify his disobedience to the king. And so consequently upon the same, he (Wriottesley) and Master Rich, throwing off their gowns, would needs play the tormentors themselves. . . . And so, quietly and patiently praying unto the Lord, she abode their tyranny till her bones and joints were almost plucked asunder, in such sort as she was carried away in a chair." Then the chancellor galloped off to report the lieutenant to the king; but Sir Anthony Knevet forestalled by going by water, and obtained the king's pardon before the complaint was made. "King Henry," says Foxe, "seemed not very well to like of their so extreme handling of the woman."

Soon after this Mistress Askew was again committed to Newgate, whence she was carried in a chair to Smithfield, "because she could not walk on her feet by means of her great torments. When called upon to recant she refused, as did the martyrs with her." Whereupon the Lord Mayor, commanding fire to be put under them, cried, "Fiat Justitia," and they were burned.

The Maryan persecutions naturally filled Newgate. It would weary the reader to give lengthened descriptions of the many martyrs who passed through that prison to Smithfield. But a few of the victims stand prominently forward. Two of the earliest were John Rogers, vicar of St. Sepulchre and prebendary of St. Paul's, and Hooper, Bishop of Gloucester. Rogers was the proto-martyr—the first sacrificed to the religious intolerance of Mary and her advisers. Foxe says that after being a prisoner in his own house for a long time, Rogers was "removed to the prison called Newgate, where he was lodged among thieves and murderers for a great space." He was kept in Newgate "a full year," Rogers tells us himself, "at great costs and charges, having a wife and ten children to find; and I had never a penny of my livings, which was against the law." He made "many supplications" out of Newgate, and sent his wife to implore fairer treatment; but in Newgate he lay, till at length he was brought to the Compter in Southwark, with Master Hooper, for examination. Finally, after having been "very uncharitably entreated," he was "unjustly, and most cruelly, by wicked Winchester condemned." The 4th February, 1555, he was warned suddenly by the keeper's wife of Newgate to prepare himself for the fire, "who being then found asleep, scarce with much shogging could be awakened." Being bidden to make haste, he remarked, "If it be so, I need not tie my points." "So was he had down first to Bonner to be degraded,

whom he petitioned to be allowed to talk a few words with his wife before his burning"—a reasonable request, which was refused. "Then the sheriffs, Master Chester and Master Woodroove, took him to Smithfield; and his wife and children, eleven in number, ten able to go, and one at the breast, met him as he passed. This sorrowful sight of his own flesh and blood could nothing move him, but that he constantly and cheerfully took his death with wonderful patience in the defence and quarrel of Christ's gospel."*

While detained in Newgate, Master Rogers devoted himself to the service of the ordinary prisoners, to whom he was "beneficial and liberal," having thus devised "that he with his fellows should have but one meal a day, they paying, notwithstanding, the charges of the whole; the other meal should be given to them that lacked on the other (or common) side of the prison. But Alexander their keeper, a strait man and a right Alexander, a coppersmith indeed, ... would in no case suffer that."

This Alexander Andrew, or Alexander, as he is simply called, figures in contemporary records, more especially in the writings of Foxe, as a perfect type of the brutal gaoler. "Of gaolers," says Foxe, "Alexander, keeper of Newgate, exceeded all others." He is described as "a cruel enemy of those that lay there (Newgate) for religion. The cruel wretch, to hasten the poor lambs to the slaughter, would go to Bonner, Story, Cholmley, and others, crying out,

* 'Foxe,' vi. 612.

'Rid my prison! rid my prison! I am too much pestered by these heretics." Alexander's reception of an old friend of his, Master Philpot, committed to Newgate,* is graphically told by the old chronicler.

THE TORTURE OF THE BOOT.

"'Ah, thou hast well done to bring thyself hither,' he says to Philpot. 'I must be content,' replied Philpot, 'for it is God's appointment, and I shall desire you to let me have some gentle favour, for

* 'Foxe,' vii. 684.

you and I have been of old acquaintance.' 'Well,' said Alexander, 'I will show you great gentleness and favour, so thou wilt be ruled by me.' Then said Master Philpot, 'I pray you show me what you would have me to do.' He said, 'If you will recant I will show you any pleasure I can.' 'Nay,' said Master Philpot, 'I will never recant whilst I have my life, for it is most certain truth, and in witness thereof I will seal it with my blood.' Then Alexander said, 'This is the saying of the whole pack of you heretics.' Whereupon he commanded him to be set upon the block, and as many irons upon his legs as he could bear, for that he would not follow his wicked mind. . . . 'But, good Master Alexander, be so much my friend that these irons may be taken off.' 'Well,' said Alexander, 'give me my fees, and I will take them off; if not, thou shalt wear them still.' Then Master Philpot said, 'Sir, what is your fee?' He said four pounds was his fee. 'Ah,' said Master Philpot, 'I have not so much; I am but a poor man, and I have been long in prison.' 'What wilt thou give me, then?' said Alexander. 'Sir,' said he, 'I will give you twenty shillings, and that I will send my man for, or else I will lay my gown to gage. For the time is not long, I am sure, that I shall be with you, for the bishop said I should be soon despatched.' Then said Alexander unto him, 'What is that to me?' and with that he departed for a time, and commanded him to be had into limbo. And so his commandment

was fulfilled; but before he could be taken from the block the clerk would have a groat. Then one Willerence, steward of the house, took him on his back and carried him down his man knew not whither. Wherefore Master Philpot said to his man, 'Go to Master Sheriff, and show him how I am used, and desire Master Sheriff to be good unto me;' and so his servant went straightway, and took an honest man with him.

"And when they came to Master Sheriff, which was Master Ascham, and showed him how Master Philpot was handled in Newgate, the sheriff, hearing this, took his ring off his finger and delivered it unto that honest man that came with Master Philpot's man, and bade him go unto Alexander the keeper and command him to take off his irons and handle him more gently, and give his man again that which he had taken from him. And when they came to the said Alexander and told their message from the sheriff, Alexander took the ring, and said, 'Ah, I perceive that Master Sheriff is a bearer with him and all such heretics as he is, therefore to-morrow I will show it to his betters;' yet at ten by the clock he went to Master Philpot where he lay and took off his irons, and gave him such things as he had taken before from his servant."

Alexander's zeal must have been very active. In 1558 it is recorded that twenty-two men and women were committed to Newgate for praying together in the fields about Islington. They were two and

twenty weeks in the prison before they were examined, during which Alexander sent them word that if they would hear a mass they should be delivered. According to Foxe a terrible vengeance overtook this hard-hearted man. He died very miserably, being so swollen that he was more like a monster than a man. The same authority relates that other persecutors came to a bad end.

Bishop Hooper soon followed Rogers to the stake. The same Monday night, Feb. 4, 1555, the keeper of Newgate gave him an inkling that he should be sent to Gloucester to suffer death, "and the next day following, about four o'clock in the morning before day, the keeper with others came to him and searched him and the bed wherein he lay, to see if he had written anything, and then he was led to the sheriffs of London and other their officers forth of Newgate, to a place appointed not far from Dunstan's Church, Fleet Street, where six of the Queen's Guards were appointed to receive him and to carry him to Gloucester, . . ." where execution was to be done.

We obtain a curious insight into the gaol at Newgate during Mary's reign from the narrative of the 'Hot Gospeller.' Edward Underhill, a yeoman of the Guard, was arrested in 1553 for "putting out" a ballad which attacked the Queen's title. Underhill was carried before the Council, and there got into dispute with Bourne, a fanatic priest whom he called a papist. "Sir John Mason asked what he meant by that, and he replied, 'If you look among the

priests of Paul's you will find some mumpsimusses there. This caused much heat, and he was committed to Newgate." At the door of the prison he wrote to his wife, asking her to send his night-gown, Bible, and lute, and then he goes on to describe Newgate as follows :*—

"In the centre of Newgate was a great open hall; as soon as it was supper-time the board was covered in the same hall. The keeper, whose name was Alexander, with his wife came and sat down, and half a dozen prisoners that were there for felony. Underhill being the first that for religion was sent into that prison. One of the felons had served with him in France. After supper this good fellow, whose name was Bristow, procured one to have a bed in his (Underhill's) chamber who could play well upon a rebeck. He was a tall fellow, and after one of Queen Mary's guard, yet a Protestant, which he kept secret, or else he should not have found such favour as he did at the keeper's hands and his wife's, for to such as loved the gospel they were very cruel. 'Well,' said Underhill, 'I have sent for my Bible, and, by God's grace, therein shall be my daily exercise: I will not hide it from them.' 'Sir,' said he, 'I am poor; but they will bear with you, for they see your estate is to pay well; and I will show you the nature and manner of them, for I have been here a good while. They both do love music very well; wherefore, you with your lute, and I to play with you on

* 'Harleian Miscell.'

my rebeck, will please them greatly. He loveth to be merry and to drink wine, and she also. If you will bestow upon them, every dinner and supper, a quart of wine and some music, you shall be their white son, and have all the favour they can show you.'

"The honour of being 'white son' to the governor and governess of Newgate was worth aspiring after. Underhill duly provided the desired entertainment. The governor gave him the best room in the prison, with all other admissible indulgences.

"At last, however, the evil savours, great unquietness, with over many draughts of air, threw the poor gentleman into a burning ague. He shifted his lodgings, but to no purpose; the evil savours followed him. The keeper offered him his own parlour, where he escaped from the noise of the prison; but it was near the kitchen, and the smell of the meat was disagreeable. Finally the wife put him away in her store closet, amidst her best plate, crockery, and clothes, and there he continued to survive till the middle of September, when he was released on bail through the interference of the Earl of Bedford."

There was a truce to religious persecution for some years after Mary's death. Throughout Edward's reign and the better part of Elizabeth's it was only the ordinary sort of criminal who was committed to the gaol of Newgate. The offences were mostly coining, horse-stealing, and other kinds of thefts. "One named Ditche was apprehended at the sessions holden at Newgate on 4th December, 1583, nineteen times

indicted, whereof he confessed eighteen, who also between the time of his apprehension and the said sessions impeached many for stealing horses, whereof (divers being apprehended) ten were condemned and hanged in Smithfield on the 11th December, being Friday and horse-market there."* The 'Remembrancia' gives a letter from Mr. Valentine Dale, one of the masters of the Court of Requests, to the Lord Mayor, stating that the wife of John Hollingshead had petitioned the Queen to grant a reprieve and pardon to her husband, a condemned felon, and directing the execution to be stayed, and a full account of his behaviour and offence forwarded to Her Majesty. The Lord Mayor in reply says that he had called before him the officers of Newgate, who stated that Hollingshead had been for a long time a common and notorious thief. This was the fourth time he had been in Newgate for felonies, and upon the last occasion he had been branded with the letter T (thief). Coiners were very severely dealt with. The offence was treason, and punished as such. There are many cases on record, such as—"On the 27th of January Phillip Meshel, a Frenchman, and two Englishmen were drawn from Newgate to Tyburn, and there hanged. The Frenchman quartered who had coined gold counterfeit; of the Englishmen, the one had clipped silver, and the other cast testers of tin." "The 30th of May Thomas Green, goldsmith, was drawn from

* Friday continued the day of horse-market until the closing of Smithfield as a market for live cattle.

Newgate to Tyburn, and there hanged, headed, and quartered, for clipping of coin, both gold and silver."

Towards the end of the reign, in spite of the stringent acts against vagrancy, the country swarmed with rogues and beggars—vagabonds who laid the farmers under contribution, and terrified all honest folk out of their lives. In London crime was rampant. Even then it had its organization; there were houses which harboured thieves, in which schools were maintained for the education of young pickpockets. Maitland tells us that in the spring of 1585, Fleetwood the recorder with several other magistrates searched the town and discovered seven houses of entertainment for felons. They found also that one Walton, a gentleman born, once a prosperous merchant, "but fallen into decay," who had kept an alehouse which had been put down, had begun a "new business." He opened his house for the reception of all the cutpurses in and about the city. In this house was a room to learn young boys to cut purses. Two devices were hung up; one was a pocket, the other was a purse. The pocket had in it certain counters, and was hung round with hawk's bells, and over them hung a little sacring* bell. The purse had silver in it, and he that could take out a counter without any noise was allowed to be a public *foyster;* and he that could take a piece of silver out of the purse without noise of any of the bells was adjudged a clever *nypper*. These places gave great encourage-

* The bell which was rung at mass on the elevation of the host.

ment to evil-doers in these times, but were soon after suppressed.

In 1581 a fresh religious persecution began, happily without the sanguinary accessories of that of Mary's reign. Elizabeth had no love for the puritans she also began now to hate and fear the papists. Orthodoxy was insisted upon. People who would not go to church were sent first to prison, then haled before sessions and fined a matter of twenty pounds each. Still worse fared the adherents or emissaries of Rome. Years before (1569) a man, John Felton, had been drawn from Newgate into Paul's Churchyard, and there hanged and quartered as a traitor for affixing a bull of Pope Pius V. on the gate of the Bishop of London's palace. In 1578 it is recorded that "the papists are stubborn." So also must have been the puritans. "One Sherwood brought before the Bishop of London behaved so stubbornly that the bishop will show no more favour to those miscalled puritans." Next began a fierce crusade against the "seminary" priests, who swarmed into England like missionaries, despatched *in partibus infidelium* to minister to the faithful few and bring back all whom they could to the fold. Newgate was now for ever full of these priests. They adopted all manner of disguises, and went now as soldiers, now as private gentlemen, now openly as divines. They were harboured and hidden by faithful Roman Catholics, and managed thus to glide unperceived from point to point intent upon their dangerous business. But they did not always escape observation, and when caught

they were invariably laid by the heels and hardly dealt with. Gerard Dance, alias Ducket, a seminary priest, was arraigned (1581) at the Old Bailey before the Queen's justices, and affirmed that although he was in England, he was subject to the Pope in ecclesiastical causes, and that the Pope had now the same authority in England that he had a hundred years past, and which he had at Rome, "with other traitorous speeches, for the which he was condemned to be hanged, drawn, and quartered." The same year William Dios (a Spaniard?), keeper of Newgate, sends a certificate of the names of the recusants now in Newgate, "viz. Lawrence Wakeman and others, . . . the two last being of the precise sort." April 20, 1586, Robert Rowley, taken upon seas by Captain Burrows going to Scotland, is committed first to the Marshalsea, and from thence to Newgate. Next year, August 26, Richard Young reports to Secretary Walsyngham that he has talked with sundry priests remaining in the prisons about London. "Some," he says, "are very evil affected, and unworthy to live in England. Simpson, alias Heygate, and Flower, priests, have justly deserved death, and in no wise merit Her Majesty's mercy. William Wigges, Leonard Hide, and George Collinson, priests in Newgate, are dangerous fellows, as are also Morris Williams and Thomas Pounde, the latter committed as a layman, but in reality a professed Jesuit. Francis Tirrell is an obstinate papist, and is doubted to be a spy."

We read as follows in an intercepted letter from

Cardinal John Allen, Rector of the English College at Rheims, to Mr. White, seminary priest in the Clink,* and the rest of the priests in Newgate, the Fleet, and the Marshalsea. "Pope Sextus sends them his blessing, and will send them over for their comfort Dr. Reynolds, chief Jesuit of the college at Rheims, who must be carefully concealed," . . . with others, . . . "whose discourses would be a great joy to all heretics. They will bring some consecrated crucifixes, late consecrated by his Holiness, and some books to be given to the chiefest Catholics, their greatest benefactors." This letter was taken upon a young man, Robert Weston, travelling to seek service, "who seems to have had considerable dealings with recusants, and to have made very full confessions."

It was easier for all such to get into Newgate just then—than to obtain release. Henry Ash and Michael Genison, being prisoners in Newgate, petition Lord Keeper Pickering for a warrant for their enlargement upon putting in good security for their appearance; "they were long since committed by Justice Young and the now Bishop of London for recusancy, where they remain, to their great shame and utter undoing, and are likely to continue, unless he extend his mercy." In 1598 George Barkworth petitions Secretary Cecil "that he was committed to Newgate six months ago on suspicion of being a seminary priest, which he is not; has been examined nine times, and brought up at sessions four times; begs the same liberty

* Clink prison.

of the house at Bridewell which was granted him at Newgate."

Political prisoners were not wanting in Newgate in the Elizabethan period. In 1585 instructions are given* to the recorder to examine one Hall, a prisoner in Newgate, charged with a design for conveying away the Queen of Scots. This was a part of Babington's conspiracy, for which Throgmorton also suffered. Other victims, besides the unfortunate Queen herself, were Babington, Tichbourne, and many more, who after trial at the Old Bailey, and incarceration in Newgate, were hanged in St. Giles's Fields. The execution was carried out with great barbarity; seven of the conspirators were cut down before they were dead and disembowelled. Another plot against Elizabeth's life was discovered in 1587, the actors in which were "one Moody, an idle, profligate fellow, then prisoner in Newgate, and one Stafford, brother to Sir Edward Stafford." The great Queen Bess in these last days of her reign went in constant terror of her life; and a third conspiracy to poison her, originating with her own physician and Lopez, a Jew, led to their execution as traitors. Again, Squires, a disbanded soldier, was charged with putting poison on the pommel of her saddle, and although he admitted his guilt upon the rack, he declared when dying that he was really innocent.

All this time within Newgate there was turbulence, rioting, disorders, accompanied seemingly by constant

* State Papers.

oppression. The prisoners were ready to brave anything to get out. General gaol deliveries were made otherwise than in due course of law. Those that were fit to serve in the sea or land forces were frequently pardoned and set free. A petition to the Lord Admiral (1589) is preserved in which certain prisoners, shut out from pardon because they are not "by law bailable," beg that the words may be struck out of the order for release, and state that they will gladly enter Her Majesty's service. Many made determined efforts to escape. "The 16th December, 1556," says Hollinshed, "Gregory, Carpenter, Smith, and a Frenchman born were arraigned for making counterfeit keys wherewith to have opened the locks of Newgate, to have slain the keeper and let forth the prisoners: at which time of his arraignment, having conveyed a knife into his sleeve, he thrust it into the side of William Whiteguts, his fellow-prisoner, who had given evidence against him, so that he was in great peril of death thereby; for the which fact he was immediately taken from the bar into the street before the justice hall, when, his hand being first stricken off, he was hanged on a gibbet set up for the purpose.

"The keeper of Newgate was arraigned and indicted for that the said prisoner had a weapon about him and his hands loose, which should have been bound."

Yet the keeper of Newgate and other gaolers were by no means irresponsible agents. Two cases may be quoted in which these officials were promptly brought

to book. In 1555 the keeper of the Bread Street Compter, by name Richard Husband, pasteler, "being a wilful and headstrong man," who, with servants like himself, had dealt hardly with the prisoners in his charge, was sent to the gaol of Newgate by Sir Rowland Hill, mayor, with the assent of a court of aldermen. "It was commanded to the keeper to set those irons on his legs which were called widows' alms; these he wore from Thursday till Sunday in the afternoon." On the Tuesday he was released, but not before he was bound over in an hundred marks to act in conformity with the rules for the managing of the Compters. "All which notwithstanding, he continued as before: . . . the prisoners were ill-treated, the prison was made a common lodging-house at fourpence the night for thieves and night-walkers, whereby they might be safe from searches that were made abroad." He was indicted for these and other enormities, "but did rub it out, and could not be reformed, till the prisoners were removed; for the house in Bread Street was his own by lease or otherwise, and he could not be put from it." * A searching inquiry was also made into the conduct of Crowder, the keeper of Newgate in 1580,† or thereabouts. The State Papers contain an information of the disorders practised by the officers of Newgate prison, levying fines and taking bribes, by old and young Crowders, the gaolers. "Crowder and

* Stowe, who adds: "note that gaolers buying their offices will deal hardly with pitiful prisoners."

† Before Dies? See p. 90.

his wife," says the report, "be most horrible blasphemers and swearers." The matter is taken up by the lords of the council, who write to the Lord Mayor, desiring to be fully informed of all disorders committed, and by whom. "They are sending gentlemen to repair to the prison to inquire into the case, and requesting the Lord Mayor to appoint two persons to assist them." Sir Christopher Hatton also writes to the Lord Mayor, drawing attention to the charges against Crowder. The Lord Mayor replies that certain persons had been appointed to inquire, but had not yet made their report. The Court of Enquiry are willing to receive Crowder, but he persists in refusing (to explain). "He would not come to their meeting, but stood upon his reputation." The result, so far as can be guessed, was that Crowder was pensioned off. But he found powerful friends in his adversity. His cause was espoused by Sir Thomas Bromley, Lord Chancellor, who informs the Lord Mayor that he thinks Crowder has been dealt with very hardly, and that his accusers were persons unworthy of credit. Apparently Crowder had no chance of being reinstated, for his friend the Lord Chancellor tries next to get his pension raised. The exact amount is not stated, but Sir Thomas Bromley suggests that it should be made up to £40, twenty nobles of which should be paid by his successor. There is no mention of any such increase having been conceded.

CHAPTER III.

NEWGATE IN THE SEVENTEENTH CENTURY (DOWN TO THE GREAT FIRE).

More Jesuit emissaries in Newgate—Richardson and others—Their fate—Some escape—Greater favour shown them under Charles I. through intercession of Henrietta Maria—But freedom not easily procured—Case of Thomas Coo—Of John Williams—The Mayor of Sudbury in Newgate—Also an alderman—Pardons and release still given on condition of military service—Troubles with King fill Newgate—Ship money—Speaking ill of King's sister entails imprisonment in Newgate for life—Parliament growing more powerful insists on execution of six Jesuits suffered to linger on in Newgate—Irish rebels taken on high seas, in Newgate—Also offenders against plague ordinances, and against religion or morality—Strange news from Newgate—Interior of gaol—Condition of prisoners—Fanatical conduct of keeper—Nefarious practices of turnkeys—They levy black mail—"Coney catching" described—Several cases of such swindling—Civil war reflected in prison records—More Irish arrested at Devonshire—Sent to London and lodged in Newgate for examination—Arbitrary imprisonment imposed by House of Lords on Richard Overton—Case of Colonel Lilburne—"Free born John"—Newgate annals record transfer of power to Commonwealth—Royalists in gaol—Also prisoners of mark—The Portuguese ambassadors' brother in Newgate charged with murder, and executed—Also Lord Buckhurst and others.

The disturbing elements of society continued much the same in the early part of the seventeenth century

as in the years immediately preceding. There were the same offences against law and order, dealt with in the same summary fashion. Newgate was perpetually crowded with prisoners charged with the same sort of crimes. Bigotry and intolerance continued to breed persecution. All sects which differed from that professed by those in power were in turn under the ban of the law. The Romish priest still ventured into the hostile heretic land where his life was not worth a minute's purchase; Puritans and Nonconformists were committed to gaol for refusing to surrender their heterodox opinions: these last coming into power were ruthlessly strict towards the openly irreligious backslider. Side by side with these sufferers in the cause of independent thought swarmed the depredators, the wrong-doers, whose criminal instincts and the actions they produced were much the same as they had been before and as they are now.

The devoted courage of the Jesuit emissaries in those days of extreme peril for all priests who dared to cross the channel claims for them a full measure of respect. They were for ever in trouble. When caught they met hard words, scant mercy, often only a short shrift. Repeated references are made to them. In the State Papers July 1602 is a list of priests and recusants in prison, viz. "Newgate—Pound (already mentioned), desperate and obstinate; . . . in the Clink, Marshalsea, King's Bench, are others; among them Douce, a forward intelligence, Tichborne, Webster, perverter of youth," &c. They were ever the victims of treachery and

espionage.* "William Richardson, a priest of Seville College (the date is 1603), was discovered to the Chief Justice by one whom he trusted, and arraigned and condemned at Newgate for being a priest and coming to England. When examined he answered stoutly, yet with great modesty and discretion, moving many to compassionate him and speak against the Chief Justice, on whom he laid the guilt of his blood." He was executed at Tyburn, hanged and quartered, but his head and quarters were buried. "Such spectacles," says the writer, Ant. Rivers, to Giacomo Creleto, Venice, "do nothing increase the gospel. . . ." A further account says that William Richardson, alias Anderson, was betrayed by a false brother, sent to Newgate, and kept close prisoner over a week, no one being allowed to see him. The Chief Justice, interrupting other trials, called for him, and caused him to be indicted of high treason for being a priest and coming to England. All of which he confessed, and there being no evidence against him, the Chief Justice gave his confession in writing to the jury, who found him guilty. "He thanked God and told the Chief Justice he was a bloody man, and sought the

* The priests were subject to espionage even beyond the limits of the realm. A deposition is given in the State Papers made by one Arthur Saul, a prisoner in Newgate, to the effect that he had been employed by Secretary Winwood and the Archbishop of Canterbury to report what English were at Douay College, particulars of priests who have returned to England, of their meeting-places and conveyance of letters. "One of them," it is added, "helped four recusants to escape from Newgate."

blood of the Catholics. He denied that he was a Jesuit or knew Garnet.* . . . ."

These priests were not very rigorously guarded. On the 27th November 1612 seven escaped from Newgate. They must also have been very indifferently lodged. When a number of them were transferred for greater security to Wisbeach Castle, they petitioned that they were unable to provide themselves with bedding and other necessaries for their removal, and begged that orders might be taken for their providing. The keeper was closely watched lest he should be too easy with his prisoners. Questions are suggested to be put to him, examining him as to his connivance with recusants, and allowing them to escape or enjoy great liberty. In 1611 Sir Thomas Lake writes to Lord Salisbury to the effect that the king is resolved the keeper of Newgate shall be very severely punished for allowing reverence to priests and masses to be said in the prison.† It was evident they were permitted some license, although contraband, for Secretary Conway issues instructions on May 13, 1626, to the provost marshal of Middlesex directing him to search for popish books, massing stuff, and reliques of popery in Newgate. Even in Elizabeth's time it appears that mass was said in Newgate, and one John Harrison, when charged in 1595 with being in possession of certain popish relics and papers, admitted that he had

* Chief of the Jesuits in England, afterwards executed (1608).

† "On the Queen's day ten were taken at mass in Newgate."—State Papers, 1602.

been married in Newgate by an old priest then in prison with his (H.'s) wife and himself.

Somewhat better times dawned for the Roman Catholic ministers after the accession of Charles I. His queen, Henrietta Maria, was able to help them. Her favouring of papists was indeed one of the many causes of the discontent which culminated in civil war. The king himself addresses the keeper of Newgate to the effect that "at the instance of the queen we have granted Pulteney Morse, lately indicted upon suspicion of being a priest, and still prisoner at Newgate, to be enlarged upon security to appear before the council when he shall be thereunto called. He has given security to that purpose; we therefore command you to set him at liberty." The queen herself at times personally applied for the release of prisoners confined in Newgate for matters of religion. Often priests committed escaped incarceration, and were found to be at liberty after arrest. But it was not always easy to obtain enlargement when once laid by the heels. Here is the petition to the queen (State Papers, May 1634) of Thomas Reynolds, a secular priest, who has been more than five years in Newgate, "where by the unwholesomeness of the air, the strictness of the imprisonment, and his great age he is fallen into many dangerous infirmities. He now prays the queen to move the king to release him. His application is backed up by a medical certificate signed by three doctors that petitioner is affected with

sciatica, colic, defluxion of rheum, and the stone. He is fifty-eight years of age." The result of the petition is not given.

It was not only in the case of the religious prisoners that freedom was difficult to compass. A very hard case is that of Thomas Coo, committed to Newgate on grounds that are not traceable. He states, October 1618, to Sir Julius Cæsar and Sir Fulk Greville that his loyal service in preserving the life of his sovereign by discovering the London insurrection has been rewarded with famine and a dungeon. He is resolved to live no longer, leaving his son "to conceal his mystical designs." * Fifteen years later, but still in Newgate, he makes his "submission from Newgate dungeon dunghill, almost famished; acknowledging his contrition of heart, and stating his readiness to do any penance the council may command, beseeches to know what his punishment may be." His long imprisonments in Newgate and elsewhere have "stript petitioner, even of clothes from his back, and from that of the bearer of the letter, his lame child." He prays that he may be forthwith either banished according to their order of the 28th October of the 5th King Charles (1630), or be allowed close prisoner in some other place where he may have some allowance to preserve him from starving. Six years more pass, and again (1639) he petitions the council, stating that there was neither legal warrant for his commitment to the Fleet eight years, nor for his six years'

* This is beyond explanation.

detention in Newgate, whither he was thence removed. There were sent with him certain transcribed papers, importing some orders and rules issuing out of the Star Chamber, Chancery, and King's Bench, in which courts the prisoner was never defendant, convented, nor convicted. The only paper against him was a supposed Inner Star Chamber order of voluntary banishment, to the effect that the petitioner was to depart the kingdom within twenty days, dated 1629. "Gaolers," says the poor prisoner, "are made his judges, and jurors only give their verdict to whom his carcase belongs to be interred."

A light matter sufficed to secure committal to Newgate. John Williams in a petition states that he was committed to Newgate for being one at the depopulation of the forest of Dean. There he has remained for five years, and now prays enlargement, not having wherewith to maintain himself in prison with his wife and poor children, who were seemingly incarcerated with him. The coachmen of even great people were committed to Newgate for contravening the Star Chamber order as to the route they should take to and from the playhouse in Blackfriars. Frequenters were invited to go to and fro by water, but if they drove they were to be set down by the west end of St. Paul's Churchyard or Fleet Conduit. Again Robert Coleman (1631), having found certain writings of the secretary and other noble personages, and thinking they belonged to the Earl of Dorset, went to the Old Bailey, where Lord Dorset was sitting on the bench, to deliver them

up. "One Barnes was to be tried," states Coleman subsequently in a petition, "and there was some one there to beg his estate, whereupon the Earl of Dorset committed the prisoner (Coleman) to Newgate, where he has been ever since detained, and could not bring the writings to the secretary;" "prays that he may be allowed to come to him for that purpose." Christopher Crowe, a prisoner in Newgate, and another victim to the oppression of a great noble, about the same date (1632) petitions the council: "I am in great misery," he says, "having no friends nor means." For six weeks he has had for his allowance but a halfpenny in bread one day and a farthing's worth the next. "Is heartily sorry for his words spoken against the Marquis of Hamilton, and prays enlargement." Others in Newgate sought noble protection, and petitioned the great peers to procure release. John Meredith petitions Henry Earl of Holland, Captain of the Guard, reminding him that when he (Meredith) and his wife were committed to Newgate, his lordship on their appeal had sent an order for their discharge, which had been disregarded, and now, "having lain in prison a fortnight, he prays that he and his wife may forthwith be enlarged." This has no effect, so Meredith and his wife Joan petition the Earl of Manchester, Lord President. "They had now remained in prison three weeks; pray for an enlargement from Newgate gratis,* and that the sergeants who arrested them may be committed."

* Without paying gaoler's fees.

Prisoners of still greater consequence languished often hopelessly in Newgate Gaol. Now it is the wardens of divers city companies for not making up their proportion towards the previous year's provision of corn; now a respectable freeman and stationer, William Cooke, who had built a shed of timber in the open street in High Holborn adjoining Furnival's Inn. He was committed to Newgate till he should demolish the same. But, as Inigo Jones and others represent to the council, "he lies in prison, and the shed continues," and they suggest an order to the principals of Furnival's Inn, or to the sheriffs of London, to take the shed away. Next comes a greater personage, John Andrews, the Mayor of Sudbury, who has unhappily fallen foul of a messenger of the Star Chamber named Potter. This messenger came to Andrews with a warrant claiming his assistance for the apprehension of certain unlicensed dealers in tobacco in Sudbury, to which warrant he "gave due obedience." Potter was presently himself brought before the mayor, "accused of many blasphemies and oaths," and for compounding for money with the culprit who had unlawfully trafficked in tobacco. Upon this the mayor told Potter that he thought him worthy to be committed to prison. Potter then fell to abusing the mayor in scoffs and threatening speeches, telling him that he would have him set in the stocks, and that he cared not a pin for the mayor's authority. The exasperated Andrews committed Potter to prison. But Potter's threats were

not without substantial foundation, for Andrews' action is deemed improper, and he is himself committed to Newgate. From thence he humbly submits himself, and prays discharge from that loathsome prison.

Even an alderman was not safe. Thomas Middleton in 1603, having been duly elected alderman, refused to be sworn, whereupon he was committed to Newgate by the Lord Mayor and court of aldermen, "according to their oaths and the custom of the city." For this they were sharply reproved by the king, and ordered to release him immediately, "as he was employed in important state service which privileged him from arrest."

These were days of widespread oppression, when Strafford, Laud, the Star Chamber, and ecclesiastical courts gave effect to the king's eager longings for arbitrary power. The following is from a half-mad fanatic who has offended the relentless archbishop. "The petition of Richard Farnham, a prophet of the most high God, a true subject to my king, and a prisoner of my saviour Christ, in Newgate, to Archbishop Laud and the rest of the high commissioners, whom he prays to excuse his plainness, being no scholar. . . . Desires to know the cause of his being detained so long in prison, where he has been kept a year next April without coming to his answer. Thinks they have forgotten him. If he be a false prophet and a blasphemer and a seducer, as most people report that he is, the high commissioners would do well to bring him to trial. What he wrote

before he came into prison and what he has written since he will stand to . . . . If he does not get his answer this summer he intends to complain to the king, believing that it is not his pleasure his subjects should suffer false imprisonment to satisfy the archbishop's mind." Of the same year and the same character is this other petition from William King, a prisoner in Newgate "for a little treatise delivered to Lord Leppington." Has remained in thraldom twenty-seven months; expresses contrition and prays enlargement on bail, or that he may be called to answer. Forty years more were to elapse before the passing of the Habeas Corpus Act; but the foregoing will show how grievously this so-called palladium of an Englishman's liberties was required.

Pardons free or more or less conditional were, however, vouchsafed at times. Release from prison was still, as before, and for long after, frequently accompanied by the penalty of military service. This had long been the custom. On declaration of war in the earlier reigns, it was usual to issue a proclamation offering a general pardon to those guilty of homicides and felonies on condition of service for a year and a day. Even without this obligation prisoners in durance might sue out a pardon by intercession of some nobleman serving abroad with the king. But later on the release was distinctly conditional on personal service. The Lord Mayor certifies to the king (1619) that certain prisoners in Newgate, whose names and offences are given, are

not committed for murder; so they are reprieved, as being able-bodied and fit to do service in foreign parts. Another certificate states that William Dominic, condemned to death for stealing a purse value £4, is reprieved, "this being his first offence, and he an excellent drummer, fit to do the king service." Again, the king requires the keeper of Newgate to deliver certain reprieved prisoners to Sir Edward Conway, junior, to be employed in His Majesty's service in the Low Countries. Recorder Finch reports that he has furnished "Conway's son with seven prisoners fit for service; sends a list of prisoners now in Newgate, but reprieved. Some have been long in gaol, and were saved from execution by the prince's return [with Buckingham from Spain?] on that day. They pester the gaol, which is already reported crowded, this hot weather, and would do better service as soldiers if pardoned, 'for they would not dare to run away.'" A warrant is made out June 5, 1629, to the sheriffs of London to deliver to such persons as the Swedish ambassador shall appoint forty-seven persons, of whom one was Elizabeth Leech—was she to be employed as a sutler or *virandière?*—being prisoners condemned of felonies, and remaining in the gaols of Newgate and Bridewell, who are released "to the end that they may be employed in the service of the King of Sweden"—Gustavus Adolphus, at that time our ally. There are numerous entries of this kind in the State papers. Sometimes the prisoners volunteer for service. "John

Tapps, by the displeasure of the late Lord Chief Justice and the persecution of James the clerk and one of the keepers,* has been kept from the benefit of the pardon which has been stayed at the Great Seal. Begs Lord Conway to perfect his work by moving the Lord Keeper in his behalf, and in the mean time sending some powerful warrant for his employment as a soldier." Certain other convicted prisoners in Newgate, who had been pardoned in respect of the birth of Prince Charles (Charles II.), petition that they are altogether impoverished, and unable to sue out their pardons. They pray that by warrant they may be transported into the State of Venice under the command of Captain Ludovic Hamilton. This document is endorsed with a reference to the Lord Chief Justice of the Common Pleas to certify concerning these delinquents and their crimes. George Gardener, a prisoner in Newgate, also petitions the king in March 1630, stating that he was committed by the council on the information of James Ingram, deputy warden of the Fleet, to prevent petitioner prosecuting the said Ingram for his notorious extortions. He has remained in Newgate since April previous, and by Ingram's procurement was shut up amongst felons in the common gaol, whereby he might have been murdered. "Prays that he may be allowed to go abroad on security." Here is another petition, that of Bridget Gray to the council. She states (July 19, 1618) that her grand-

* There was a keeper and a deputy: the latter was resident, and did most of the work.

son, John Throckmorton, is a prisoner in Newgate for felony, and prays that he may be discharged, this being his first offence, and Sir Thomas Smythe being ready to convey him beyond seas. Upon this is endorsed an order that if the mayor or recorder will certify that Throckmorton was not convicted of murder, burglary, highway robbery, rape, or witchcraft, a warrant may be made for his banishment. The certificate is forthcoming, and is to the effect that Throckmorton's crime was aiding in stealing a hat, value 6*s.*, for which the principal, Robert Whisson, an old thief, was hanged.

The gaol calendar reflects the vicissitudes of these changing, troublous times. There were many London citizens who, sharing the patriotic spirit of Hampden and Pym, found themselves clapped into prison for refusing to submit to the illegal taxations of Charles I. In a long statement, 16th April, 1639, from Edward Rossingham to Lord Conway he says that the Lord Mayor labours hard to get in the ship-money. "Some pay and many refuse; but such as do refuse he requires to enter into a recognizance of so much money to attend the council. Three citizens stand committed to Newgate, not because they refuse to pay ship-money, but because they refuse to enter into bond to attend the Board to answer their not paying the same. Divers others refused, and were sent to Newgate; but upon better consideration they paid their money, and were released again." The temper of the Government as regards ship-money is further shown by the

arrest and trial of the keeper of Newgate for permitting a prisoner committed for non-payment of this unlawful tax to go at large. It appears that the offender, Richard Chambers, had been several times remanded to the same custody, and had been allowed to escape.

It was highly dangerous to speak lightly of dignities in these ticklish times. The State trials give an account of the hard measure meted out to one Edward Floyde for scandalizing the princess palatine, Elizabeth, James I.'s daughter, and titular Queen of Bohemia. Floyde was charged with having said, while a prisoner in the Fleet, "I have heard that Prague is taken, and goodman Palsgrave and goodwife Palsgrave (Elizabeth) have taken to their heels and run away." This puerile gossip seriously occupied both houses of Parliament, and eventually the Lords awarded and adjudged that Edward Floyde be deemed an infamous person, incapable of bearing arms as a gentleman, whose testimony was not to be taken in any court or cause. He was also sentenced to ride with his head to his horse's tail from Westminster to the pillory in Cheapside; after this to be whipped from the Fleet to Westminster, there again to stand on the pillory. He was to pay a fine of £5000 to the king, and imprisoned in Newgate during his life.

In 1642, according to a published document,*

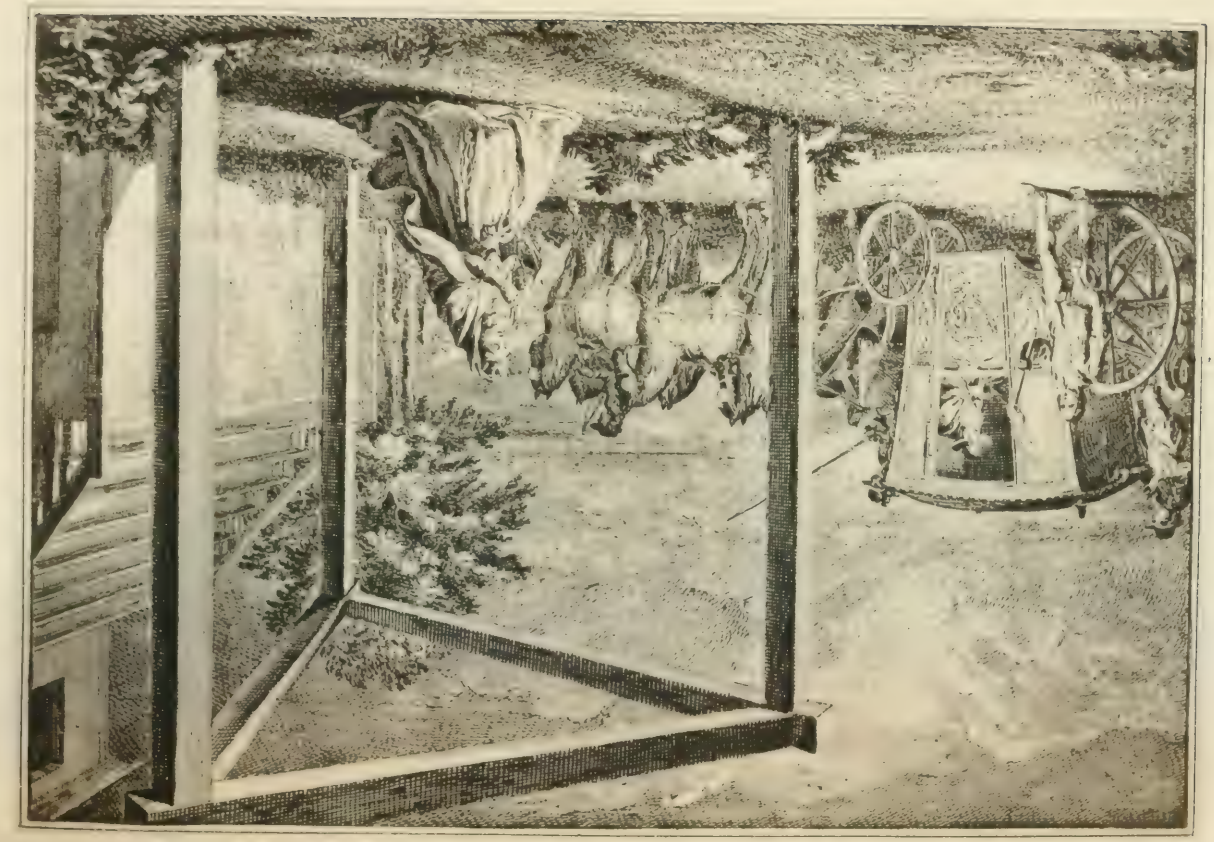
* Calendar, "The prisoners of Newgate's condemnation," declaring every verdict of the whole Bench at the Sessions House in the Old Bailey. April 22, 1642.

Newgate "hath not been more replenished with prisoners these many years than now, there being very nigh three hundred prisoners committed to that infamous castle of misery." It was still the mere gate-house prison, and its accommodation must have been of the most limited description. Chief among these inmates were six Jesuit priests who had been condemned to die, but had, no doubt through the powerful advocacy of Henrietta Maria, obtained a reprieve. "Whereupon did arise a tumultuous mutiny among the other prisoners, who refused to die without the Jesuits; but afterwards they (the mutineers) were mitigated in a kind of pacified tranquillity." Parliament had also petitioned that "execution might be imposed upon" these priests; but the king would not condescend thereunto till his further pleasure, "whereupon they (the Jesuits) have continued secure in Newgate ever since, one man being solely excepted, viz. Goodman, who died last Good Friday, and at once deceived both Gregory* and Tyburn." But the Parliament was at this date too near its rupture with the king to submit to be thus put off, and re-petitioned, stating "these Jesuits were an obstacle to their assiduous proceedings;" and His Majesty replied that if they were "the obstruction and hindrance of reformation in the Church they might be forthwith executed without further delay." Henrietta Maria's strong attachment to the Roman Catholic faith is satirized in the old German print, which I have

* The Jack Ketch of the period.

taken from the Crowle 'Pennant's London,' and which represents the Queen doing penance at Tyburn over the grave of some recently executed priests. It is said that "the pore queen" walked afoot—some say barefoot—from St. James to Tyburn in the dead of night. A state coach followed with attendants, and her father confessor. The whole story is probably apocryphal, but the print is interesting as one of the earliest representations of Tyburn tree. The pilgrimage took place in 1628, but the print is of a later date.

Other prisoners at this time were certain Irishmen suspected to be rebels, who had apparently been captured on the high seas, and eventually committed to Newgate. When formally examined before the Parliament, the servants, seamen, and soldiers were remitted; only the master of the ship, the captain, lieutenants, and ancients were detained, "and still continue in prison." The court was to examine them further; but as this did not come off, the Parliament would, it was thought, censure them. These, found to be ten in number, five of them friars, four soldiers, and one a pilgrim, were at length examined "before a committee in the court of wards, who demanded of them their intents in coming over to Ireland, and to what effect: four of which very peremptorily denied, and said they came over with occasions of merchandize, but one of them betrayed the rest, and affirmed that they were friars, and came over into England to save souls for heaven." The other five were carried down unto



Westminster before the same committee. The master of the ship, being called first, "did show a commission unto them for his going; they then asked him whether he would take the oath of allegiance, which he was willing to take. When asked as to the oath of supremacy, he replied that he was an ignorant man, and did not understand what it meant." Three of the others could not speak a word of English, whereupon the master did interpret what they spake. "It seems by the exposition of the master of the ship that they have been in service under the Prince of Orange half a year; they were taken captives at Flanders; they served in France two years, and a half-year in Spain, and now come into their own country."

Neglect of the stringent ordinances passed to protect life during the constant visitations of that fearful scourge the plague brought down the one universal penalty, committal to Newgate, upon offenders. Here is a long story about Stephen Smith, a fishmonger, whose door was by the sufferance of the warder broken open, and William Fenn, servant to Smith, who had already been indicted for offences committed during the several infections of that house, entered the house and brought a quantity of salted fish to the door for sale. Yet all the time Susan Wheclyer, a maid-servant of Smith's, was shut up in the house infected with the plague. Smith had unlawfully abandoned his house. Fenn was apprehended and shut up with the late infected

servant under a better guard. "I have committed the warder," says Sir William Slingsby, who makes the report, "and commanded the fish to be carried in again, and the doors locked and guarded. . . . These proceedings I suspect to be done by the private directions of Smith." The orders of the council on the above were prompt and severe. Stephen Smith was at once committed to Newgate, "there to be kept under strong bolts until further orders," while William Fenn was sent to the pest-house, and a weight of iron placed on his heels to keep him safe and quiet there. It was ordered further, that the warders for their great neglect be put in the stocks before Smith's house.

Newgate, during the last great plague epidemic, received all offenders against the sanitary rules. These were enforced by the Middlesex justices, who were directed to be most careful for the relief of the citizens and for the prevention of the spreading of infection. Diligent circumspection was to be used to prevent the removal of goods or persons from London or Westminster to other towns and villages, or up and down the Thames; also to put pressure upon those belonging to infected families who refused to shut themselves up. Refusal to obey or neglect of these orders was to be visited with committal to Newgate and indictment at the next sessions.

Offences against morality and religion were met with the same penalty of imprisonment. Incontinence and loose living were high misdemeanours. In an extract from the register of the High Court of Commission we

find that Nicholas Slater of Royden, Essex, a married man, had run off with Blanche Cowper, another man's wife. Defendants lived together in various places. "Slater, like a vagabond, without license had wandered up and down the kingdom professing physic and surgery, and carried Blanche about with him from place to place." Slater was committed close prisoner to Newgate, there to remain during pleasure, and Blanche to Bridewell. There was added penance in Ware and Stepney, while Slater was fined £1000 and Blanche £100 to His Majesty. The last part of the sentence points to Charles's shifts to raise money. This was in 1638. Another story of the same kind, but with a different issue, is of the same date. George Harrison in Newgate petitions the Archbishop of Canterbury and the Lords of the High Commission Court for enlargement. A certain John Cock had, it appears, discovered the incontinent life of John Thierry and Ursula Baythorpe. The latter offered Cock £27 to be silent, which he was willing to accept, and went with the petitioner Harrison to a tavern, the place appointed for the handing over of the money. But they fell into a trap, and were arrested at the tavern; thence they were carried to the Compter and committed to Newgate. Afterwards at a sessions they were indicted, and, on the testimonies of the merchant and the said Ursula's sister and her husband, were whipped three times to the pillory, where they stood eleven hours. They were not suffered to come down till they had asked Thierry's and Ursula's

forgiveness before all the spectators, and so were three times whipped back again. "By the extremity of which execution petitioner lost his speech and almost his understanding, and Cock was carried home dead in the cart. By which cruelty and disgrace petitioner, who was formerly well respected, is now utterly undone." Thierry must have had good friends at court. But the informer seems to have been right in his denunciation, for both the accused were subsequently "detected to the court," and it was proved that the said poor men had only suffered for "meddling with the truth." Petitioner now prays that the merchant (Thierry) may be ordered to give him and his poor children relief and restitution for their sufferings.

A quaint pamphlet entitled 'Strange News from Newgate,' dated 1647, states that on the 16th January, "being the blessed sabbath, at Botolph's Church near Bishopgate, in sermon time, there arose a great disturbance by one Evan Price, a tailor, who stood up and declared himself to be Christ, which words much amazed the people, and divers timorous spirits into a great fear. . . . Whereupon he was immediately apprehended and carried before the Right Honourable the Lord Mayor, where he was examined seriously and at length, although no doubt a religious lunatic." He was asked whether he had worked miracles, whether he was married, . . . "with divers other arguments objected against him, which he was not able to answer, but remained obstinate in

his devilish and satanical opinion." But after some time spent upon his examination, "as he still remained in his hell-bred opinion, not hearkening to any advice or counsel whatsoever," it was ordered that he should be committed to Newgate, which was accordingly performed. "Five days later he was arraigned at the Old Bailey, and coming to the bar, was examined by the judges, but seemed resolute not to make any confession." The pamphlet ends abruptly, and does not give the result of his trial.

It must have been consequent on some conflict with the ecclesiastical authority that Edward Powell, alias Anderson, was sent from Ely as a prisoner to Newgate. The story rests on a report from Bishop Wren of Ely to the council, dated 5th June 1638. Powell had been apprehended upon a riot committed by an assemblage which went by the name of Anderson's Camp, but was not imprisoned for his share therein, but for his misdemeanours and foul speeches at the time of arrest. He was accused of being an abettor of the riot, although not present at it. When he had been at Newmarket the previous Lent, Powell paid the town-crier twopence to proclaim a gathering of the people to go to the king with a petition about their fens; "for the losing of the fens would be the losing of their livelihood." Upon this Powell was summoned before Mr. Justice Goodrick, but denied the charge. Next day Mr. Goodrick, going into the market-place, found a crowd there with cudgels in their hands, and Powell with them. Powell, interrogated,

asked whether the king's market was not open to all, and rejoined his company. As the result of these disturbances, Powell was arraigned and sentenced to a fine of £200, and to be imprisoned, and "now lies in execution for the same. Since his removal from the prison at Ely to Newgate, the poor people are very quiet and in good order." Powell from his captivity addresses his "loving friends and neighbours in the city of Ely, and others," in letters which were seized. In these he expresses a hope of deliverance when the king comes to London, and that he has refused to give up his friends' names, whereby they might be fined and imprisoned, although daily urged to do so by fair offers and large promises, and also by threatening language, terrible speech, and protestation of perpetual imprisonment. He then asks these friends to make a collection for him and his family, and gives a dark picture of his prison—"this loathsome gaol, in which we are accompanied with noisome stinks, cold, lousy to dying, and almost all other miseries."

There is nothing especially remarkable in the purely criminal cases of this period; offences have a strong family likeness to those of our own day. Culprits are "cast" for "taking a chest of plate out of a house;" for "taking £100 from a gentleman," and so forth. Now and again appears a case of abduction, a common crime in those and later days. Sarah Cox prays the king's pardon for Roger Fulwood, who was convicted of felony for forcibly marrying her against her will. But she begs at the same time her

protection for person and estate from any claims in regard to the pretended marriage. Knights of the road have already begun to operate ; they have already the brevet rank of captain, and even lads of tender years are beguiled into adopting the profession of highway robber. Counterfeiting the king's or other great seals was an offence not unknown. A Captain Farrar is lodged in Newgate (1639), accused of counterfeiting His Majesty's signature and privy signet. His method of procedure was simple. Having received a document bearing His Majesty's privy seal for the payment of a sum of £190, he removed the seal and affixed it to a paper purporting to be a license from the king to levy and transport two hundred men beyond seas. This he published as a royal license. When arraigned he admitted that the charge was true, but pleaded that he had done the same according to the king's commands. He was reprieved until further orders.

The condition of the prisoners within Newgate continued very deplorable. This is apparent from the occasional references to their treatment. They were heavily ironed, lodged in loathsome dungeons, and all but starved to death. Poor Stephen Smith, the fishmonger,* who had contravened the precautionary rules against the plague, petitions the council that he has been very heavily laden with such intolerable bolts and shackles that he is lamed, and being a weak and aged man, is like to perish in the

* See *ante*, p. 113.

gaol. "Having always lived in good reputation and been a liberal benefactor where he has long dwelt, he prays enlargement on security." The prison is so constantly over-crowded that the prisoners have "an infectious malignant fever which sends many to their long home. The magistrates who think them unfit to breathe their native air when living bury them as brethren when dead." All kinds of robbery and oppression were practised within the precincts of the gaol. Inside, apart from personal discomfort, the inmates do much as they please. "There are seditious preachings by fifth monarchy men at Newgate," say the records, "and prayers for all righteous blood." Some time previous, when the Puritans were nominally the weakest, they also held their services in the prison. Samuel Eaton, a prisoner committed to Newgate as a dangerous schismatic, is charged with having conventicles in the gaol, some to the number of seventy persons. He was, moreover, permitted by the keeper to preach openly. The keeper was petitioned by one of the inmates to remove Eaton and send him to some other part of the prison, but he replied disdainfully, threatening to remove the petitioner to a worse place. He, the keeper himself, attended the conventicles, "calling it a very fair and goodly company, and staying there some season." Besides this, he gave license to Eaton to go abroad, to preach, contrary to the charge of the High Commission (1638). Another complaint made by the petitioner is that the keeper caused petitioner's sister

to be removed out of the prison contrary to the opinion of a doctor, and that she died the very next day. Her chamber after her removal was assigned to Eaton, it being the most convenient place in the prison for holding his conventicles.

This keeper may be condemned as a fanatical partizan at worst. But he had predecessors who were active oppressors, eager to squeeze the uttermost farthing out of their involuntary lodgers. The bar kept within the prison must have been a cause of continued extortion, although those who pandered to the cupidity of the bar-keepers occasionally got into trouble. Sir Francis Mitchell, we read, was sent on foot and bareheaded to the Tower on account of his patent for ale-houses. "He is a justice of Middlesex, and had a salary of £40 a year from Newgate prison on condition of sending all his prisoners there," . . . no doubt to drink the liquor supplied to the prison bar.

But still worse was the conduct of the under-strappers. An instruction to the Lord Mayor and sheriffs in the State Papers (Dec. 1649) directs them to examine the miscarriages of the under officers of Newgate who were favourers of the felons and robbers there committed, and to remove such as appear faulty. The nefarious practices of the Newgate officers were nothing new. They are set forth with much quaintness of diction and many curious details in a pamphlet of the period, entitled the 'Black Dogge of Newgate.' There was a tavern entitled the 'Dogge Tavern in Newgate,' as appears by the State Papers, where the

place is indicted by an informer for improper practices. The author of the pamphlet pretends that the dog has got out of prison and leapt into a sign-board. "'What the devil's here?' quoth a mad fellow going by, seeing the black cur ringed about the nose with a golden hoop, having two saucer-like eyes, and an iron chain about his neck. The public-house must be a well-customed house where such a porter keeps the door and calls in company." The writer enters it and describes the scene. He finds "English, Scottish, Welsh, Irish, Dutch, and French in several rooms; some drinking the neat wine of Orleans, some the Gascony, some the Bordeaux. There wanted neither sherry sack nor charnico, paligo nor Peter Seeme, amber-coloured canary or liquorish Ipocras, brown beloved Bastard, fat Alicant, or any quick-spirited liquor that might draw their will into a circle . . . ." Not desiring to mix with such company, the writer sat himself and called for his "whole pint" alone. Presently he was joined by a "poor thin-gut fellow with a face as red as the gilded knobs of an alderman's horse-bridle, who as it seemed had newly come out of limbo." The two treated each other, and then exchanged opinions as to the sign of the tavern, wondering how it came first to be called the Black Dog of Newgate: and the writer maintained that he had read in an old chronicle "that it was a walking spirit in the likeness of a black dog, gliding up and down the streets a little before the time of execution, and in the night while

the sessions continued." From this archæological exercise they pass on to discuss the prison and its officers. This part of the pamphlet sheds a strong light upon the evil-doings of the turnkeys, who appear to have been guilty of the grossest extortion, taking advantage of their position as officers of the law to levy black-mail alike on criminals and their victims. Of these swindling turnkeys or bailiffs, whom the writer designates "coney-catchers," he tells many discreditable tales, one or two of which may be worth transcribing.

The term coney-catching had long been in use to define a species of fraud akin to our modern "confidence trick," or, as the French call it, the *vol à l'Américain.* Shakespeare, in the 'Merry Wives of Windsor,' makes Falstaff call Bardolph, Nym, and Pistol "coney-catching rascals." The fraud was then of but recent introduction. It is detailed at length by Robert Greene in his 'Notable Discovery of Cozenage,' published in 1591. He characterizes it as a new art. Three parties were needed to practise it, called respectively the setter, the verser, and the barnacle; their game, or victim, was the coney. The first was the decoy, the second was a confederate who plied the coney with drink, the third came in by accident should the efforts of the others to beguile the coney into "a deceit at cards have failed." In the end the countryman was completely despoiled. Later on there was a new nomenclature: the setter became the beater, the tavern to which the rogues adjourned was the "bush," and the quarry was the bird. The verser was the

retriever, the barnacle was the pot-hunter, and the game was called bat-fowling. Greene's exposure was supposed to have deprived the coney-catchers of a "collop of their living." But they still prospered at their nefarious practices, according to the author of the 'Black Dogge,' to whom I will now return.

This was their plan of procedure. Two coney-catchers enter a tavern together, and there find a gentleman drinking wine. They note his appearance, his weapons, his good cloak and his neat apparel, and are clear that he has a good store of money; so they make up to him. The three become friendly, and the gentleman stands treat. After two or three pottles of wine are disposed of one of the rogues says to their entertainer, "I pray you heark in your ear. Thus it is; my fellow hath a warrant to take you, therefore in kindness I pray you draw your purse and give him an angel to spend in drink, and I will undertake we will not see you at this time." The stranger, however, would not be imposed upon, and said they were coney-catching knaves, and that they should not wrong him in any respect. "Whereupon the two sent for a constable, and charged the other with felony. The constable, recognizing the two as officials, took the stranger into custody and deprived him of his weapons. Then the two told the constable they would be answerable for his prisoner, and took charge of him. Now mark what followed. As these two knaves were bringing the party charged with felony to Newgate, one of them offered yet for xx shillings to set him free, of which,

when the party had considered, knowing though he was clear of that he was charged, yet if he lay in prison till the Sessions it would be greater charges. When he was on Newgate stairs ready to go into the gaol, he was content to leave his cloak, what money he had in his purse, and his weapons, which were in the constable's hand, in pawn for the xx shillings, which the coney-catchers took, and discharged the prisoner without any more to do."

A little later the same victim is again encountered, with a companion, in a tavern without Bishopgate, where he "had spoke for supper." In came the swindling turnkeys, whereat the other set on the best face he could, and bade them welcome. The coney-catchers accepted the invitation, and ate and drank merrily. Supper being ended, the reckoning was called for, the shot paid, and, all things discharged, the coneys would fain have been gone. "But one of the knaves said nay : . . . thus it is, such a man was robbed within this week, and hath got out a warrant for you by name. He hath lost £10 ; now, if you will restore the money, and bestow xx shillings on us two to drink for our pains, we will undertake to satisfy the party and be your discharge. If not, we have a warrant, and you must answer it at Newgate. This back reckoning is something sharp, but there is no remedy ; either pay so much money, or else must a constable be sent for, and so to Newgate as round as a hoop."

"To be short, this was the conclusion : the coney

put down £10, every penny whereof was to be paid to the man in the moon, for I dare take it upon my death neither of these coneys did offend any such man in manner these knaves had charged them."

A favourite hunting-ground for these swindlers was at Westminster Hall during term time. Their method was to send confederates in among the thickest of the crowd, where the cut-purses were likely to be busiest, and there "listen if any purse were cut that day." The coney-catchers themselves were posted, one by the water stairs, the other at the gate, where they could not fail to intercept the cut-purse who had committed the theft. Presently they recognize him, accost and stop him. The cut-purse, anxious to curry favour, offers to stand both wine and a breakfast, but the coney-catcher will not tarry. He declares with an oath that he is really sorry to have met the cut-purse that day, "for there is a mischief done, and he fears some one will smoke for it. At this time the cut-purse is afraid, but for that time he scapeth their fingers. After this the swindler makes it his business to seek out the victim of the robbery, and on discovering him, promises that if he will only be guided by him he will help him to most of his money again. The honest fellow, a countryman, delighted, offers "at first word" one half to get other half back, the whole amount being ten pounds. "Then away goeth the coney-catcher to a justice," from whom he obtains a warrant to take up all suspected persons. The warrant obtained, the

coney-catcher is as "pleasant as a pie," and with his countryman spend some time drinking a pottle of wine, after which the turnkey takes leave of his client, who goes to his lodging, and "the coney-catcher about his faculty." Now, woe to the cut-purses we may meet, for they must to Newgate on his warrant; but although he apprehends twelve or sixteen, the real culprit is certainly not among them. "The honest company of cut-purses being all in Newgate, H. (the coney-catcher) goes presently and certifies the justice what a set of notable thieves he has taken, and desiring the justice to examine them about the theft, warning him that they will confess nothing, which indeed the justice findeth true." They are remanded to Newgate, and *en route* beg H. to stand their friend, "assuring him of their innocency; yet rather than be in prison one offereth ten shillings, some more, some less, as they are of ability, with promise of more if H.'s good words gain them their release."

"Now the coney-catcher hath the matter as he would wish it, and taking their money, first he goeth presently to the justice and certifieth him that these which he had apprehended did none of them cut the purse, and for that he hath gotten knowledge who did, he desireth that they may be bailed." The justice, glad to hear the culprit is known, yields ready assent, and the captive cut-purses are set free.

H.'s next business is to hunt up the real thief, and meeting him, "spareth not to tell him how sore the justice is against him, and how earnestly the

countryman will pursue the law; and further, he sweareth that some of those that were in Newgate told the justice plainly that he cut the purse. This peal ringeth nothing well in the cut-purse's ears, who can find no favour but to Newgate." So he entreats the coney-catcher to stand his friend, who promises at length to do any good he can, at the same time cautioning the cut-purse to confess nothing, "what proof soever come against him," assuring him further, that the man who lost the money, although sore bent against, "yet he will partly be ruled by him, H." But the arrest is made; the thief is conveyed to Newgate, and there, by way of welcome, a good pair of bolts and shackles are clapped upon his legs. Then H. sends for the countryman, telling him the good news that the thief is taken and in limbo; and together they go before the justice, to whom H. "signifieth how the case standeth, railing mightily against the cut-purse," whose guilt can easily be proved, and begging his worship to summon the thief. The cut-purse is sent for, and "having taken out his lesson," doggedly refuses to confess, upon which the justice returneth him to Newgate, there to abide till the next sessions. The countryman is bound over to give evidence, but he, "dwelling far from London, and it being long to next Law Day, allegeth he cannot be in the city at that time, for he is a poor man, and hath great occasion of business."

On leaving the justice H. returns to Newgate, and assures the cut-purse that he has laboured hard "with

him who had his purse cut to take his money again, and not to give evidence against him; that if he may have his money again he will presently go out of town." The cut-purse, taking H.'s hand (as witness) that no man shall give evidence against him at the sessions, doth presently send abroad to his friends for the money; which as soon as it cometh he delivereth to H., and withal a large overplus, because he will be thus sure of H.'s favour.

"This done, H. goes to the countryman and tells him he got no more but six or seven pounds, of which, if he will accept, and proceed no further against the party, he hath it to pay him; marry he will not be known to the countryman, but that he had that money of some friend of the cut-purse's, who upon the former condition is willing it should be paid, if not, to have his money again.

"The countryman, having haste out of the city, is glad to take it, out of which sum, if it be seven pounds, H. must have half; so that the poor man, of ten pounds hath but three pounds ten shillings, whereas the coney-catcher by this account hath got at one hand and another very near forty marks. The money shared, the countryman takes horse and away he rides. Again H.'s mouth is stopt, and the next sessions the cut-purse is quit by proclamation, no man being there to give evidence against him."

Plain symptoms of the approaching struggle between the king and the commons are to be met with in the prison records. Immediately after the

meeting of the Long Parliament, orders were issued for the enlargement of many victims of Star Chamber oppression. Among them was the celebrated Prynne, author of the 'Histriomatrix,' * who had lost his ears in the pillory; Burton a clergyman, and Bastwick a physician, who had suffered the same penalties, all came out of prison triumphant, wearing ivy and rosemary in their hats. Now Strafford was impeached and presently beheaded; Laud also was condemned. The active interference of Parliament in all affairs of State extended to the arrest of persons suspected of treasonable practices. A curious document issues from Newgate in 1642, where several supposed rebels and others have been imprisoned. It is a petition † which was presented to Parliament by Colonel Goret, who had commanded some of them in France. The petition sets forth that Daniel Dalley, master of a small barque, of "Kinsaile in Ireland," had been freighted, about the 10th November, 1641, out by two gentlemen, merchants of Kingsale, with beef, tallow, and hides for "St. Mallowes in France." There these commodities had been "vended," and the same merchants laid out their money in wine and fruits to freight the vessel home again. "All being done, and they ready to set sail, the governor (of St. Mallowes) sent a command to Daniel Dalley the master, that he should take nine gentlemen with him, which should pay for their passage." "By reason of the

* A homily against play-acting and masquerades.

† Printed by F. Coles and G. Lindsey, 1642.

troubles,"* the master refused; but Dalley was obliged to take them on board, under threat of committal to gaol, and by the governor's warrant and command. He then set sail, and two days after he had gone to sea a storm rose at south and S. S. W., which drove them into Saltcombe in the west country, "where the passengers went ashore and took lodging till it would please God to send fair weather." However, notice of their landing came to Captain Foskew, "one that had command of a fort of his majesty's there," who summoned them before him and examined them. Finding they could not give a good account of their designs, he committed them, with the merchants and the ship's company, until he communicated with Parliament. In reply the Parliament sent for them to London, and lodged them in Newgate. There they lay from day to day expecting to be called up by Parliament, but this being so long delayed, they petitioned for enlargement.

On the Parliament side it appeared that information had been given the House of Commons that certain mariners and commanders were proceeding from France to Ireland to take part in the rebellion, they having a commission about them for the purpose. Also that one Captain Foskew had taken and stayed the said mariners and sea captains. "The honourable assembly," therefore, as well out of their pious and grave consideration for the better satisfaction of the kingdom, as for the prevention of

* The rebellion in Ireland.

such dangers as might follow from their landing in Ireland, made an order to bring the prisoners to London for examination. This was done with all proper precaution. Each sheriff saw to their safe conduct in his own county, "not suffering them to go together, but the commanders to be kept away from the rest." By virtue of the Speaker's (Lenthall) warrant, they were delivered by the sheriff of Devon to the next sheriff, and so from county to county, until they came to Middlesex, where they were received by the sheriffs of Middlesex, and committed to Newgate, the county gaol, "where they were with much care imprisoned and strictly kept, some of them being placed in the master's, others in the common side."

The petition already mentioned set forth that the said captains, "being all strangers and destitute of acquaintance, except with a few persons of this town. They declared that they were his majesty's true and loyal subjects, most of them born within the king's realm of Ireland, all strictly obliged and most ready to defend his rights and privileges to the utmost of their power. Being 'necessitated in their native country,' they repaired three years previously to France, where they served in martial affairs under Colonel Goret, till they were disbanded, and resolved to return home. They were, however, detained at Saltcombe, in the county of Devon, where they were imprisoned and their goods seized. Since then they had lain in Newgate, 'where they are liable to remain in great

misery, to their loss of time, and utter destruction and ruin.' They begged, therefore, that they might be 'forthwith convented before the honourable assembly to answer their charge,' and having proved their loyalty, might be restored to their former liberty and fortunes." The answer to this petition is not recorded, except that the prisoners hoped daily to be sent for, a committee of the House having been appointed to examine them. Meantime they carried themselves civilly in the gaol, and with patience looked for the time when they should be called for their answer. They were conscious of innocence; they denied "all intentions of assisting the rebels in Ireland, or any act which might tend to their disloyalty," the true cause of their return home being a want of employment in France.

There are other cases of imprisonment more or less arbitrary in these troubled times. Another petition may be quoted, that of Richard Overton, "a prisoner in the most contemptible gaol of Newgate," under an order of the House of Lords. Overton tells us how he was brought before that House "in a warlike manner, under pretence of a criminal fact, and called upon to answer interrogations concerning himself which he conceived to be illegal and contrary to the national rights, freedoms, and properties of the free commoners of England, confirmed to them by Magna Charta, the Petition of Right, and the Act for the Abolishment of the Star Chamber." Overton was therefore emboldened to refuse subjection to the said

House. He was adjudged guilty of contempt, and committed to Newgate, where he was seemingly doomed to lie until their lordships' pleasure shall be further signified, which "may be perpetual if they please, and may have their wills, for your petitioner humbly conceiveth that he is made a prisoner to their wills, not to the law, except their wills may be a law." On this account he appealed to the Commons "as the most sovereign Court of Judicature in the land," claiming from them "repossession of his just liberty and freedom, or else that he may undergo the penalty prescribed by the law if he be found a transgressor." Whether Overton was supported by the Commons against the Lords does not appear, but within three years the Lower House abolished the House of Peers.

Here is yet another petition from a better known inmate of Newgate, the obstinately independent Colonel Lilburne, commonly called "Freeborn John." Lilburne was always at loggerheads with the government of the city. In 1637, when following the trade of a bookseller, he was convicted by the Star Chamber for publishing seditious libels, and sentenced to the pillory, imprisonment, and a fine of £5000. In 1645 he falls foul of the Parliament, and writes a new treatise, calling in question their power. For this, although he had already done good service to the Parliamentary cause, and had earned the grade of Lieutenant-Colonel in the field, he is first questioned, then sent to Newgate. He

dates from thence, in 1646, a letter to Mr. Wollaston, the keeper of Newgate, or his deputy. He states that he has seen a warrant commanding the keeper to produce him before the House of Lords, but that the warrant expresses no reason why he should "dance attendance before them," nor does he know any reason why he should, or any law that compels him thereto. The Lords had already endeavoured illegally to try him, a commoner, before their bar, for which, under hand and seal, he protested to their faces against them as violent and illegal encroachers upon his rights and liberties, and appealed to the proper tribunal, the Commons, for which appeal he was arbitrarily committed to gaol. Lilburne goes on to say,—

"Sir, I am a freeman of England, and therefore I am not to be used as a slave or vassal by the Lords, which they have already done, and would further do; I also am a man of peace and quietness, and desire not to molest any, if I be not forced thereunto, therefore I desire you, as you tender my good and your own, take this for an answer, that I cannot, without turning traitor to my liberty, dance attendance to their lordships' bar, being bound in conscience, duty to God, myself, thine, and my country, to oppose their encroachments to the death, which, by the strength of God, I am resolved to do. Sir, you may, or cause to be exercised upon me some force or violence to pull and drag me out of my chamber, which I am resolved to maintain as long as I can, before I will be compelled to go before them; and

therefore I desire you, in a friendly way, to be wise and considerate before you do that which, it may be, you can never undo.

"Sir, I am your true and fair-conditioned prisoner, if you will be so to me,

"JOHN LILBURNE.

"From my cock-loft in the press-yard of Newgate, 23rd June, 1646."

Lilburne was eventually banished by the Rump Parliament; but in 1653 he returned to England, and threw himself upon the tender mercies of the Protector. Cromwell would do nothing, and left him to the law. Lilburne was then arrested, and committed to Newgate. At the next sessions he was arraigned, but refused to plead unless furnished with a copy of his indictment. He managed to put off his trial by various expedients till the next sessions, when he was acquitted by the jury. In Thurloe's State papers it is stated that "John Lilburne was five times at his trial at the Sessions House, where he most courageously defended himself from Mr. Stale, the recorder's, violent assaults with his old buckler, Magna Charta, so that they have let him alone." "Freeborn John" was so popular with malcontents of all shades of opinion, that the authorities, from Oliver Cromwell downward, were really afraid of him. Oliver professed to be enraged against him, and anxious for his punishment, yet he privately paid him a pension equal to the pay of a Lieutenant-

Colonel, and, as Thurloe says, "thought the fellow so considerable, that during the time of his trial he kept three regiments continually under arms at St. James'." The jury which acquitted Lilburne were summoned to answer for their conduct before the Council of State. Yet there is little doubt that the court was overawed by the mob. For Thurloe says there were six or seven hundred men at the trial, with swords, pistols, bills, daggers, and other instruments, that, in case they had not cleared him, they would have employed in his defence. The joy and acclamation was so great after he was acquitted, that the shout was heard an English mile.

The mob had been turbulent enough to give cause for alarm on a previous occasion. Four or five years previously the puritanical zeal of the Lords had produced a stringent ordinance against tippling and gaming on the Lord's Day. This occasioned a great tumult, which originated in Moorfields, and agitated the metropolis for a couple of days. It is said that, but for the vigorous action of Fairfax, the Government would have been overthrown. The people mastered a part of the trainbands, seized their drums and colours, beat up for recruits, then forming into something like military order, they surprised Newgate and Ludgate in the night, and seized the keys. The rioters divided into two parties: one marched upon Whitehall, but were discomfited *en route*; the other ranged the city, possessing themselves of

ordnance, arms, and ammunition. Prompt measures were, however, taken at a council of war, and Fairfax, entering the city at the head of two regiments, put several to the sword, took many prisoners, and dispersed the rest.

The transfer of power to the Commonwealth is significantly recorded in the annals of Newgate. A whole batch of warrants are to be found in the State papers about 1649, ordering the committal of persons charged with being in arms against the Parliament—the offenders are mostly military officers. Thus the keeper of Newgate, Richard Dicke by name, is commanded to receive Lieutenant-Colonel Clarke, Major Wright, and Captain Wescott; also Lieutenant Gage, Robert Wood, pilot, and Robert Parker, taken in a man of war, all charged with levying war. Again, the Commonwealth directs W. Roberts to be sent to Newgate for being an agent of the proclaimed King of Scotland. Later on, Colonel Clarke, already mentioned, was released on his signing the test, and finding securities for good behaviour. Captain Matthew Harrison is committed for bearing arms against the Parliament, and "drinking a health to Charles, the late king's son, by name King Charles II." The recorder is directed to examine Colonel Jones concerning Captain Harrison, and to see that he be proceeded against according to law. A declaration is made before the Council of State as to Charles Pullen, "lately a prisoner in Newgate," committed there for being found in the Hart frigate.

Pullen had escaped from prison, and was liable to the penalty of death if recaptured; but the council remit the penalty in order to exchange Pullen for Ensign Wright, a prisoner at Jersey. In Nov. 1650 John Jolfe is committed to Newgate for carrying the Roebuck out of the Commonwealth. Royalist sympathizers find but scant comfort. The keeper of Newgate is ordered to receive and imprison one Pate, and hold him in safe custody, for aiding Lieutenant-General Middleton to escape from the Tower; and a similar warrant is made out against Mitchell for being accessory to the escape of Colonel Edward Massey from the same place.

All this time prisoners of great mark were at times confined in Newgate. That noted royalist, Judge Jenkins, was among the number. His crime was publishing seditious books, and sentencing to death people who had assisted against the Parliament. He was indeed attainted of high treason under an ordinance which started in the House of Commons, and was ultimately passed, and sent to the House of Lords. A committee was sent from "the Commons' House to Newgate, which was to interview Judge Jenkins, and make the following offer to him—viz. that if he would own the power of the Parliament to be lawful, they would not only take off the sequestrations from his estates, amounting to £500 per annum, but they would also settle a pension on him of £1000 a year." His reply was to the following effect: "Far be it from me to own

rebellion, although it was lawful and successful." As the judge refused to come to terms with them, he remained in Newgate till the Restoration.

People of still higher rank found themselves in gaol. The brother of the Portugal ambassador, Don Pantaleon Sa, is sent, with others, to Newgate for a murder committed by them near the Exchange. It was a bad case. They had quarrelled with an English officer, Gerard, who, hearing the Portuguese discoursing in French upon English affairs, told them they did not represent certain passages aright. "One of the foreigners gave him the lie, and all three fell upon him, and stabbed him with a dagger; but Colonel Gerard being rescued out of their hands by one Mr. Anthuser, they retired home, and within one hour returned with twenty more, armed with breastplate and head-pieces; but after two or three turns, not finding Mr. Anthuser, they returned home that night." * Don Pantaleon made his escape from prison a few days later, but he was retaken. Strenuous efforts were then made to obtain his release. His trial was postponed on the petition of "the Portugal merchants." The Portugal ambassador himself had an audience of Cromwell, the Lord Protector. But the law took its course. Don Pantaleon pleaded his relation-

* As Colonel Gerard had been rescued by Mr. Anthuser, and next day the Portuguese, to the number of fifty, fell upon a Colonel Mayo, mistaking him for Anthuser, wounded him dangerously, and killed another person, Mr. Greenaway. The murderers were arrested in spite of the protection afforded them by the Portuguese ambassador and committed to Newgate. Whitelocke's 'Memorials,' p. 569.

ship, and that he had a commission to act as ambassador in his brother's absence; this was disallowed, and after much argument the prisoners pleaded guilty, and desired "to be tried by God and the country." A jury was called, half-denizens, half-aliens, six of each, who, after a full hearing, found the ambassador's brother and four more guilty of murder and felony. Lord Chief Justice Rolles then sentenced them to be hanged, and fixed the day of execution; "but by the desire of the prisoners it was respited two days." This was the 6th July, 1654. On the 8th, Don Pantaleon Sa was reprieved, or more exactly, his sentence was commuted to beheading. On the 10th he tried to escape, without success, and on the same day he was conveyed from Newgate to Tower Hill in a coach and six horses in mourning, with divers of his brother's retinue with him. There he laid his head on the block, and "it was chopt off at two blows." The rest although condemned were all reprieved, except one, an English boy concerned in the murder, who was hanged at Tyburn.*

Other distinguished inmates, a few years later, were Charles Lord Buckhurst, Edward Sackville, and Sir Henry Bellayse, K.B., who, being prisoners in Newgate, petitioned the Lord Chief Justice, March 10th, to be admitted to bail, one of them being ill of

* Their first victim, Colonel Gerard, survived only to be executed on Tower Hill the same year for conspiring to murder the Lord Protector. 'State Trials,' v. 518.

the small-pox. They were charged seemingly with murder. Their petition sets forth that "while returning from Waltham to London, on the 8th February, they aided some persons, who complained that they had been robbed and wounded in pursuit of the thieves, and in attacking the robbers wounded one who has since died." Sir Thomas Towris, Baronet, petitions the king (Charles II.) "not to suffer him to lie in that infamous place, where he has not an hour of health, nor the necessaries of life. He states that he has been four months in the Tower, and five weeks in Newgate, charged with counterfeiting His Majesty's hand, by the malice of an infamous person who, when Registrar Accountant at Worcester House, sold false debentures." Sir Thomas "wished to lay his case before His Majesty at his first coming from Oxford, but was deceived, and the way to bounty stopped."

CHAPTER IV.

NEWGATE IN THE SEVENTEENTH CENTURY (AFTER THE GREAT FIRE).

Newgate refronted in 1638—Destroyed in Great Fire of 1666—How rebuilt—Façade described—Account of interior by B. L. of Twickenham—Various parts or sides—The lodge and condemned hold—The master debtors' side—The master felons' side—The common debtors' side—The common felons' side—The press-yard and castle—The chapel—Miserable condition of inmates—Some few pleaded unhealthiness as an excuse for release—Suicides frequent—Mr. Norton—Newgate called by Recorder a nursery of rogues—Negligence of keepers—The gaoler Fells indicted for permitting escapes—Crimes of the period—Clipping and coining greatly increased—Enormous profits of the fraud—Coining within the gaol itself deemed high treason—Heavy penalties—Highway robbery very prevalent—Instances—Officers and paymasters with the king's gold robbed—Stage coaches stopped—All manner of men took to the road, including persons of good position—Their effrontery—Whitney—His capture, and attempts to escape—His execution—Efforts to check highway robbery—A few types of notorious highwaymen—"Mulled sack"—Claude Duval—Nevison—Abduction of heiresses—Mrs. Synderfin—Miss Rawlins—Miss Wharton—Count Konigsmark—The German princess—Other criminal names—Titus Oates—Dangerfield—The Fifth Monarchy men—William Penn—The two Bishops, Ellis and Leyburn.

NEWGATE was refronted and refaced in 1638 in the manner already described.* No further change or

* See *ante*, chap. i. p. 58.

improvement was made in the building until a total re-edification became inevitable, after the great fire in 1666. Of the exact effect of that conflagration upon the prison gate-house I can discover no authentic records. Knight, in his 'London,' gives a woodcut of the burning of Newgate, designed by Fussel, which many dismissed as imaginative rather than historically accurate. The gate as represented is altogether larger than it could possibly have been, and the aspect of the structure is very much what a nineteenth century artist would conceive a mediæval prison would be. According to a writer in the 'Gentleman's Magazine' for April, 1764, Newgate was only damaged, not destroyed, in the great fire. He goes on to speak of the "present beautiful structure," an edifice so inadequate for prison purposes, it may be remarked that it had already been condemned at this date, and schemes for its entire reconstruction propounded. This beautiful structure as represented in the wood-cut is thus described by the above-mentioned writer:—

"The west side is adorned with three ranges of Tuscan pilasters with their entablatures, and in the inter columniations are four niches, in one of which is a figure representing Liberty; the word 'libertas' is inscribed on her cap, and at her feet lies a cat in allusion to Sir Richard Whittington, a benefactor to the prison, who is said to have made the first step to his advancement and good fortune by a cat. The inside of the gate is also adorned with a range of pilasters, with their entablatures, and in their niches

are the figures of Justice, Mercy, and Truth. . . . Newgate," he continues, "considered as a prison is a structure of more cost and beauty than was necessary, because the sumptuousness of the outside but aggravates the misery of the wretches within; but as a gate to such a city as London, it might have

received considerable additions both of design and execution, and abundantly answered the cost in the reputation of the building. The gate of a city, erected rather for ornament than use, ought to be in the style of the triumphal arches. . . . If Newgate be considered as a prison, it is indeed a very dismal

one. It is the county gaol for Middlesex both for debtors and malefactors, as well as the city prison for criminals. The debtor, rendered unfortunate by the vicissitudes of trade or unforeseen losses, has the reproach of being confined in the same prison with the greatest villains, and too often his being in Newgate is imputed by the ignorant to crimes which he abhors. On the other hand, those confined as criminals are, even before they are found guilty by the laws of their country, packed so close together that the air being corrupted, . . . occasions a dismal, contagious disease called the gaol distemper, which has frequently carried off great numbers, and even spread its contagion to the Court of Justice, where they take their trials. But to prevent these dreadful effects the city has introduced a ventilator on the top of Newgate to expel the foul air, and make room for the admission of such as is fresh; and during the sessions herbs are also spread in the Justice Hall and the passages to it to prevent infection. However, as these precautions, with some others, have often proved ineffectual, and as the prison in its present state is far from being commodious, it was lately resolved by the Common Council of the city of London to petition Parliament for leave to build a new prison in a more commodious place."

An accurate and detailed account of the interior of the 1667 prison has been preserved in a small work published in 1724, and written by "B. L. of Twickenham." This book purports to be "an accurate

description of Newgate, with the rights, privileges, allowances, fees, dues, and customs thereof, together with a parallel between the master debtors' side and the several spunging houses in the county of Middlesex, 1724." The author's short historical preface contains no new facts. It is when he proceeds to describe the inside of the building, such as he evidently knew it from personal inspection, that his account becomes interesting. He gives no illustrations, but I have constructed plans of each floor from the descriptions in the letter-press, which may assist the reader in understanding the text.

Newgate, as is plain from the woodcut, spanned the roadway, which passed beneath by the arch, and seemingly, as in Temple Bar in our time, without gate or obstruction. This roadway outside the gate, or to the westward, was Holborn; within, or to the eastward, it was Newgate Street. The prison proper seems to have consisted of all the upper stories of the gate-house; but so far as I can deduce from "B. L.," only the rooms or apartments to the south of the arch or gateway, upon the ground-floor. Behind the gate front the prison building extended some way back parallel with Newgate Street, an increase of accommodation dating from the time of the Commonwealth, when "our very churches were made prisons, so great was the demand for room." This extension was accomplished by taking in the buildings belonging to the Phœnix Inn in Newgate Street.

Before proceeding to a detailed description of the

various chambers and cellars into which the interior was divided, it will be well to recount briefly the general divisions to be found within Newgate. These were—

PARTS OR SIDES.

I. The Master Debtors' Side.
II. The Master Felons' Side.
III. The Common Side for Debtors.
IV. The Common Side for Felons.
V. The Press-Yard and Castle.

I. The Master Debtors' Side comprised—

	NUMBER IN PLAN.
The Hall ward	1
The King's Bench ward . .	2
The Stone ward	3

II. The Master Felons' Side comprised—

The Drinking-cellar and Hall .	4
The Gigger, or Visiting-room .	5
First Ward	6
Second and Third wards . .	7, 8

III. The Common Side for Debtors comprised—

The Stone hall	9
High hall	10
Tangier	11
Debtors' hall . . .	12
Women's ward . . .	13

IV. The Common Side for Felons comprised—

	NUMBER IN PLAN.
The Stone hold	14
Lower ward	15
Middle ward	16
Waterman's hall (for women) .	17
Women's second ward . . .	18

V. The Press-Yard and Castle comprised several rooms on ground and three upper floors, as well as an exercising ground.

Besides the foregoing there was a chapel at the topmost story and a number of independent rooms, such as the Bilbows, Press-room, Condemned holds, and Jack Ketch's kitchen.

At the entrance, on the threshold of the prison, was the lodge, "where prisoners were first received, and where they were generally fettered if the cause of their imprisonment require it." Other writers less favourably disposed than B. L. affirm that almost all prisoners without exception were in those days ironed upon reception, whatever their condition. This, in effect, was one of the many acts of extortion practised without let or hindrance by the gaolers of the past. Debtors and unconvicted persons were clapped into manacles for a time, and until they were terrified into purchasing release; the most heinous offenders were also heavily weighted until they chose to purchase "easement," and choice of a lighter set of chains. There was no reception ward in Newgate such as we understand it, but hard by the lodge was

a chamber which served as a first resting-place for most male prisoners, as well as the last for not a few. The condemned hold for males, says B. L., is situated "adjacent to the lodge." Another writer, the author of 'The History of the Press-Yard,' states more precisely that the men's condemned hold, "falsely supposed a noisome vault underground, lies between the top and bottom of the arch under Newgate." It was only imperfectly lighted, a "dark opace wild room," entered by a hatch, about twenty feet in length and fifteen in breadth. The floor was of stone, but on it was a wooden barrack bed raised, "whereon you may repose yourself if your nose suffers you to rest." Along and above this bed-place are "divers ring bolts, wherein such prisoners are locked as are disorderly. There is only one window, which is so very small that very little light comes thereby, so that the room is very dark. It is customary," adds B. L., "when any felons are brought to the lodge in Newgate, to put them first in this condemned hold, where they remain till they have paid two-and-sixpence, after which they are admitted to the masters' or common felons' side." This is a mild way of describing the custom already referred to.

I. From the lodge admission was gained at once to the Master Debtors' Side. The principal room, in dimensions twenty-five feet by fifteen, was the Hall Ward (1), which lay to the southern side of the prison, and owned one window, five feet by six, with two casements for air. In the midst of the west side of this

ward was a fire-place and good chimney, in which burnt constantly a fire of sea-coal for the general benefit. It had also wooden benches and a good common table ; and in the north-west corner was a bench and shelf of wood, on which scullery work was performed. Six and a half feet above the floor, on the north and east sides, was a gallery, supported by fir-posts, wherein were five partitions for beds, one at the end of the other. These beds were made of flock, and were "of their kind very good;" the charge was half-a-crown per week per bed, and for sheets two shillings per month, "paid at the time of receiving them." Doors on the debtors' side were locked at 9 P.M. and opened at 8 A.M. The last arrival had to keep all clean, or pay two pence daily to have it done. "Underneath the gallery in this Hall ward is a very good place for the prisoners therein to walk at their pleasure, which advantage the other wards are deficient of."

The King's Bench Ward (2) lay over the Hall Ward. Its dimensions were twenty-one feet by fifteen, and it was ten feet high. It had one window six feet by four, with a southern aspect probably like that of the Hall ward. The bed partitions were the same, but on the floor, which was of oak plank. The fees too were similar. The Stone Ward (3), alongside, is described as the very best, and pleasantly situated over the gateway towards Holborn, and therefore facing west. But the beds were all on the floor, which was of stone, with fire-place fees and so forth, as in the other rooms. At the head of the stairs, between the King's Bench

Ward and the Stone Ward, was a small apartment called "my Lady's Hold," in which were only two beds, for the accommodation of any female debtors who came to the master's side. "This small apartment," says one author (B. L.), "is the very worst part of the master's side."

II. The lowermost apartment in the Master Felons' Side was a large cellar (4), some four feet below the level of the street, comprising a central drinking-room or hall, with three wards alongside, two of which were appropriated to men and one to women. Prices ruled as follows in this underground tavern: wine was sold at 2*s.* a bottle, strong drink at 4*d.* per quart, and brandy at 4*d.* per quartern. A "cellar-man," so called, was selected by the turnkeys from among the prisoners for the regulation and government of his fellows, who was allowed to make what profit he could on the sale of candles, as well as a penny upon every quart of beer or bottle of wine sold, "with other advantages." Immediately over the drinking vaults was "a spacious hall," named the "Gigger" (5), after the small grate or gigger in the door, at which prisoners in the various wards on this side were permitted to have interviews with their friends from outside. The privilege of entrance to this hall, or to the cellar below, was conceded only on payment of a fee of 1*s.* 6*d.* per diem. The same sum was charged to any felon's friend who was admitted to the gigger, and desired to see his friends in the tap-room; besides which they paid the cellar-man for a candle to light them down, and the

price of a quart of beer, or 5*d.* Above the gigger again stairs led to the first ward (6), in which was "a good light, a good fire-place, and convenient lodging-rooms, as also very good flock beds, for the use of which each felon pays 3*s.* 6*d.* per week. Over this ward are the other two (7 and 8), which are both of the same magnitude and light, with the like appurtenances belonging thereto." B. L. further tells us that the prisoners were generally utilized for all prison services. Not only did they perform all menial offices, and distribute the allowance of food, such as it was, but they were also employed to rivet on and remove the irons of their fellows. Discipline even was entrusted to them; and B. L. speaks of certain prisoners who maintained order "with a flexible weapon, to the great terror and smart of those who dispute their authority. Every felon at his coming in pays 14*s.* 10*d.* for fees and garnish money only, 1*s.* 6*d.* for coals, and 1*s.* to be spent amongst the prisoners of the ward."

III. The Common Side for Debtors comprised four apartments, all situate towards Newgate Street, in other words, facing north. The ground-floor apartment was named the "Stone Hall" (9); its dimensions are not given, but it owned a cistern for water, and on the north side a chimney, "in which no fires are made except at Christmas, when there is a quantity of beef boiled there to be given to the felons. This Stone Hall led to some subordinate chambers; in the north-east angle was the iron hold for fetters, and in

the south-east a chamber for the confinement of refractory prisoners, styled "the Partner's room," where four men could lie at a time. In the south-west of the room was a large place called the "tap-house," in which were sold beer, ale, brandy, wine, tobacco, and pipes, at the customary prices, "which of their kind are absolutely good." Of the tap-house itself B. L. speaks in less complimentary terms. "It is great pity," he says, "that greater decorum is not maintained among the prisoners of the common side, especially in the tap-house, for therein, by connivance, the felons are permitted to converse and drink with the debtors; by which means such wretchedness abounds therein, that the place has the exact aspect of hell itself, and by this means 'tis much to be questioned whether one debtor in ten who enters therein an honest man comes out the same, the wickedness of the place is so great."

At the west side of the Stone Hall was a staircase, leading to a large room called "High Hall" (10), wherein felons alone were admitted to walk. I have placed this High Hall in the plan on that part of the gate-house which lay to the north side of Holborn. There is no precise evidence that it was exactly so situated, but as all other rooms on this first floor can be pretty accurately placed, I think the conclusion is just that High Hall was approximately where I have put it. High Hall was large, being thirty-three feet by twenty-eight, and in altitude twelve. In the midst of the place was a stone anvil, whereon the

irons were knocked off the unhappy persons sentenced to death, when they came down from the chapel (on the third floor), on their way to the cart which was to carry them to Tyburn.

Opposite the entrance to the tap-house was a passage leading to a second common-side debtors room. This came to be called "Tangier" (11) in due course, no doubt from the stifling atmosphere. "The air in this ward is very bad," says B. L., "occasioned by the multitude of the prisoners in it, and the filthiness of their lodging." The room was large, but "dark and stinking," and it only contained "divers barracks for the prisoners to lie on." Debtors' Hall (12), a third room for common-side debtors, was on the floor above. It also faced Newgate Street, and being higher up, enjoyed very good air and light. It had a very large window, which was, however, unglazed, and subjected the prisoners not only to the weather, but also to all kinds of rain, snow, sleet, &c., which the north-eastern winds produce. Unlike those in Tangier, the prisoners in Debtors' Hall had no barrack-beds to lie on, and were obliged therefore to sleep upon the boarded floor. Close by Debtors' Hall was a kind of kitchen, containing a large fire-place and grate, and known in B. L.'s time as the Hangman's, or Jack Ketch's kitchen, "because it is the place in which that honest fellow boils the quarters of such men as have been executed for treason."* Over this

* The disgusting brutality with which this operation was carried out will be realized from the following extract from the life of J.

kitchen again, on the third floor, that is to say, was "an indifferent good ward," called the Women's Ward (13), and devoted to common debtors of that sex.

These poor debtors were but ill lodged and provided for. They had no firing save what they themselves found. They had to provide their own beds or sleep on the boards supplied by the sheriffs. But every debtor on the common side was allowed "each day one coarse household wheaten loaf, almost the bigness of a common penny white loaf; and there is also given a certain quantity of beef every week, in proportion to the number of debtors. Every debtor at his entrance paid 11*s.* 6*d.* garnish money, which

Ellwood, who found himself in Newgate in the beginning of Charles II.'s reign :—

"When we first came into Newgate," says Mr. Ellwood, "there lay (in a little by-place like a closet, near the room where we were lodged) the quartered bodies of three men, who had been executed some days before, for a real or pretended plot; . . . and the reason why their quarters lay there so long, was, the relatives were all that while petitioning to have leave to bury them; which, at length, with much ado, was obtained for the quarters, but not for the heads, which were ordered to be set up in some part of the City. I saw the heads when they were brought up to be boiled; the hangman fetched them in a dirty dust basket, out of some by-place; and setting them down among the felons, he and they made sport with them. They took them by the hair, flouting, jeering, and laughing at them; and then, giving them some ill names, boxed them on the ears and cheeks. Which done, the Hangman put them into his kettle, and parboiled them with Bay-Salt and Cummin-seed,—that to keep them from putrefaction, and this to keep off the fowls from seizing on them. The whole sight (as well that of the bloody quarters first, and this of the heads afterwards) was both frightful and loathsome, and begat an abhorrence in my nature."

was expended among the prisoners of the ward, and on discharge or removal a further fee of 7*s.* 10*d.* as on the master's side. 'The conversation of these debtors,' says B. L., 'was generally very profligate, being, as before mentioned, perpetually drinking and conversing with the felons.'"

IV. The Common Felons' Side, which was adjacent to that for the common debtors, was evidently a foul disgrace to the prison and to those charged with the administration of the law. B. L. describes it as "a most terrible, wicked, and dreadful place." In this side were five wards. The first, known as the Stone Hold (14), was an underground dungeon lying beneath the "middle ward," which I fix somewhere near the Tangier Ward of the debtors' common side. "The Stone Hold," says the authority already quoted, "was a terrible, stinking, dark, and dismal place, situate underground, into which no daylight can come. It was paved with stone; the prisoners had no beds, and lay on the pavement, whereby they endured great misery and hardship. The unhappy persons imprisoned therein are such as at their unfortunate entrance cannot pay the customary fees of the gaol." Alongside the Stone Hold was the "Lower Ward" (15), another large dungeon, in which were confined felons for non-payment of fines. The Middle Ward (16), on the floor above, was for those who had paid their bare fees, no more. Here also they had no beds, but the floor on which they lay was of oak, not stone. There were two wards for common female felons. The first, on

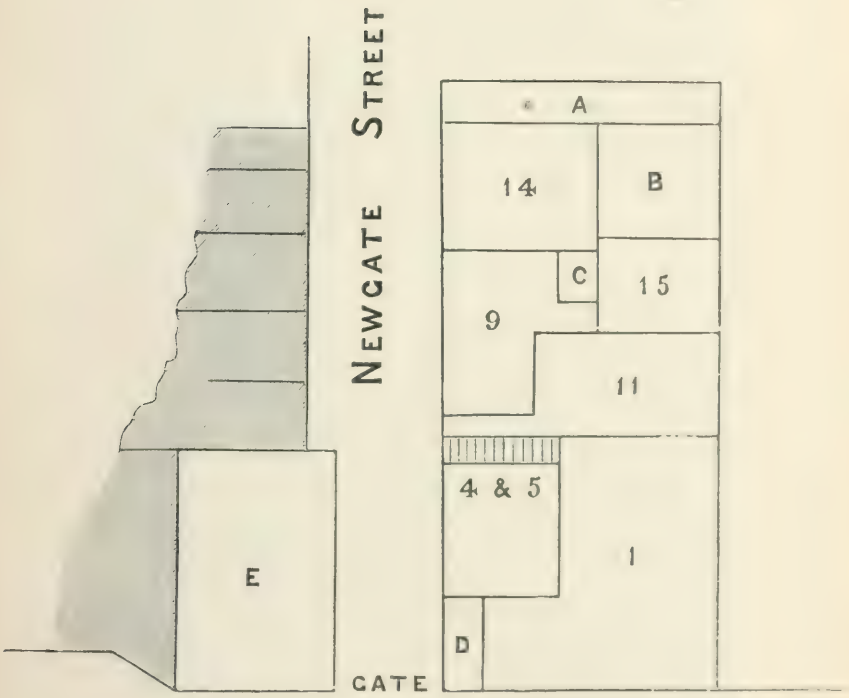
this second floor, was called "Waterman's Hall" (17), a very dark and stinking place; the floor is of oaken planks, which is all the bed allotted to its miserable inhabitants. Water was, however, well supplied to this ward. Close by it were other rooms applied to ghastly uses. One was the "press-room," still used in the writer's time for the execution of the frightful sentence of pressing to death culprits arraigned who refused to plead; another the Bilbows,* adjacent to the press room, also very dark, "and used as a refractory cell for such as occasioned quarrel or disturbance." Near this again was the women's condemned hold, "a small, dark, dismal dungeon, wherein is a barrack for the prisoners to lie on, but no fire-place, and it is therefore cold at all times. A second ward (18) for common side females existed on the third, or floor above all, "the highest part of the whole gaol in the north part thereof, and is of large extent, in which is one window only, and that very small." Barracks were fixed on the walls on each side, but without any kind of bed whatsoever. "The persons imprisoned therein were generally those that lie for transportation, and they, knowing their time to be short here, rather than bestow one minute towards cleaning the same, suffer themselves to live far worse than swine, and, to speak the truth, the Augean Stable would bear no comparison to it, for they are almost poisoned by their own filth, and their conversation is nothing but one

* "Bilboes" were bars of iron with fetters attached. The name comes from the Spanish town Bilbao, where they were first made.

To face p. 158.

NEWGATE (1700).

Ground Floor.



A. Press Yard. (Exercising Ground.)
B. Part of Press Yard.
C. Partner's Room.
D. Lodge.
E. Part of Keeper's House.
(Under which was the Condemned Hold.)

1. Hall Ward. (Master Debtors.)
4. Drinking Cellar, below.
5. Gigger.
9. Stone Hall. (Common Side Debtors.)
11. Tangier. .. ..
14. Stone Hold. (Common Side Felons.)
15. Lower Ward. .. ..

continued course of swearing, cursing, and debauchery, insomuch that it passes all description and belief. . . . It is with no small concern," he adds, "that I am obliged to observe that the women in every ward of this prison are exceedingly worse than the worst of the men, not only in respect to nastiness and indecency of living, but more especially as to their conversation, which, to their great shame, is as profane and wicked as hell itself can be."

These remarks, unhappily, are fully borne out by more modern experience. Female prisoners are, as a rule, far worse than the male.

V. The one division remaining, and commonly called the Press-Yard and Castle, was quite the best part of the prison. The entrance was at the base of the stairs between the common debtors' and the common felons' sides. It was composed of "divers large spacious rooms," on all three floors: those on the ground and first floor faced towards east and south; those on the second—the Castle so called—to the west. These rooms were all well supplied with light and air, free from all ill smells, and possessed all necessary appurtenances. A yard or place for walking in the open air was attached to this side, and was situate between the door or postern which entered from Newgate Street and the fabric itself. This yard, which was fifty-four feet long by seven feet wide, and was handsomely paved with Purbeck stone, could have been little better than a narrow passage running the whole north side of the prison between the

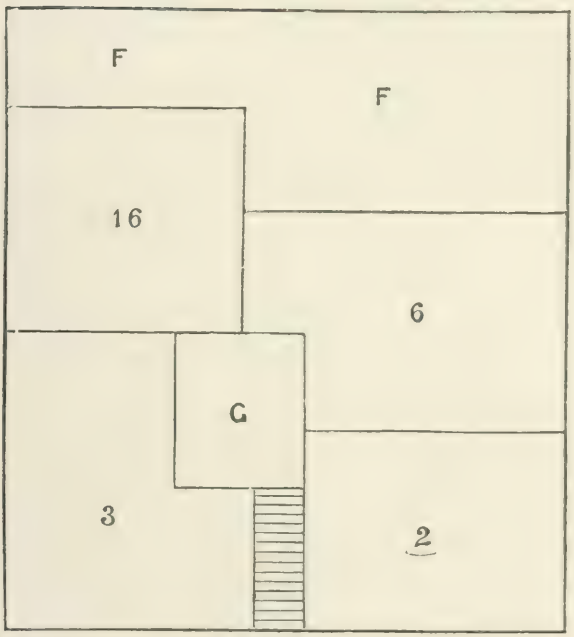
building and its boundary wall. The Press-Yard was for State prisoners, or great and opulent criminals who could afford to pay such high premium at entrance as they and the gaoler might agree upon, and also the weekly rent of their wards. This premium was fixed according to the quality of the individual, and ranged from £20 to £500. The weekly rent of tenancy of the rooms was 11*s.* 6*d.* per head, 1*s.* of which was paid to a woman called the laundress, who made the fires and cleaned the rooms; the remainder went into the gaoler's pocket. The prisoners themselves provided their fires and candles, as also all other necessaries, "save the beds, which were very good of their kind, and which the gaoler found, sheets being always excepted." A less aristocratic section of this very select part of the prison was the Castle, which comprised two wards above the Stone ward and King's Bench ward of the master debtors' sides, and of the same dimensions, with the same air and light, as the wards immediately beneath. In the Castle wards were divers partitions for beds, for each of which a prisoner paid 2*s.* 6*d.* per week.

The remainder of this top floor, with the exception of the high hall, and the second ward for common female felons, was taken up by the prison chapel, which looked towards the south-east. The chapel was partitioned on the north side into large apartments called pens, which were all strongly built, as they contained every Sunday the common debtors and the felons of both kinds. The pulpit stood in the

To face p. 160.

NEWGATE (1700).

1st Floor.



F. Part of Press Yard.

G. My Lady's Hold.

2. King's Bench Ward (Master Debtors)
3. Stone Ward. .. ..
6. 1st Ward (Master Felons).
16. Middle Ward (Common Side Felons)

north-west angle of the chapel, against it were the pens of the male common debtors, next to them those of the male and female felons, but in separate divisions, and in the pens were gratings through which the occupants could be observed from the chapel pews. On the south side, opposite the felons' pens, were two very handsome enclosures for the master debtors; adjoining the pulpit was another large pew, wherein were placed such prisoners as were under sentence of death, and here in this same apartment "the blessed sacrament was administered to them at proper times, more particularly on the morning before execution." Besides these were a number of other handsome open pews, free to all persons who choose to come and sit in them. They were generally well filled on the Sundays when the condemned sermon was preached to prisoners about to die.*

A few corroborative facts may be quoted from other authorities as to the horrors of Newgate, the mismanagement, tyranny, and lax discipline which prevailed. Its insanitary condition was chronic, which at times, but only for influential inmates, was pleaded as an excuse for release. Lord Montgomery, a prisoner there in 1697, was brought, Luttrell tells, out of Newgate to the King's Bench Court, there to be bailed, upon two affidavits, which showed that there was an infectious fever in Newgate, of which several were sick and some dead. He was accordingly admitted to bail, himself in £10,000, and four sureties

* Cf. chap. 6, vol. ii. Executions.

—the Duke of Norfolk, the Earl of Yarmouth, Lord Carington, and Lord Jeffereys—in £5000 each. An effort to secure release was made some years later in regard to Jacobite prisoners of note, less successfully, although the grounds alleged were the same and equally valid.

If a prisoner was hopelessly despondent, he could generally compass the means of committing suicide. A Mr. Norton, natural son of Sir George Norton, condemned for killing a dancing-master (because the latter would not suffer him to take his wife away from him in the street), poisoned himself the night before his reprieve expired. The drug was conveyed to him by his aunt without difficulty, "who participated in the same dose, but she is likely to recover." Nor were prisoners driven to this last desperate extremity to escape from durance. Pepys tells us in 1667, August 1, that the gates of the city were shut, "and at Newgate we find them in trouble, some thieves having this night broken open prison."

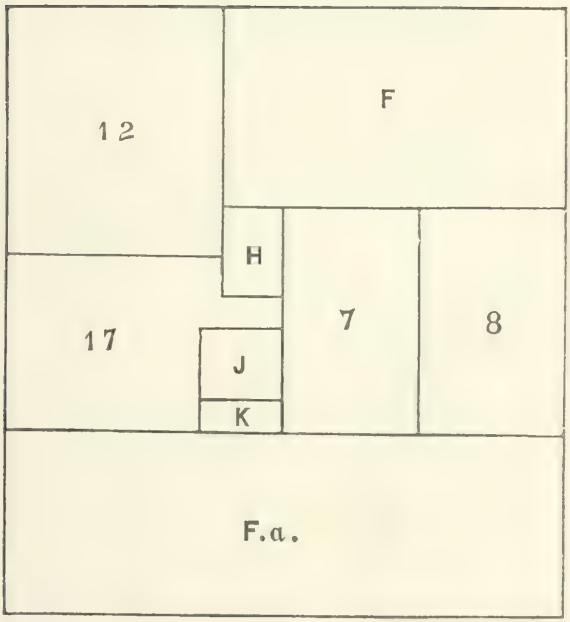
Within the gaol all manner of evil communication went forward unchecked among the prisoners. That same year Sir Richard Ford, the recorder, states that it has been made appear to the court of aldermen "that the keeper of Newgate hath at this day made his house the only nursery of rogues, prostitutes, pick-pockets, and thieves in the world, where they were held and entertained and the whole society met, and that for the sake of the sheriffs * they durst not this

* Who were responsible for the keeper and the prison generally.

To face p. 162.

NEWGATE (1700).

2nd Floor.



F. Part of Press Yard.
F.*a.* The Castle.
H. Jack Ketch's Kitchen.
J. Press Room.
K. Bilbows.

7. 2nd Ward (Master Felons).
8. 3rd Ward ,, ,,
12. Debtors' Ward (Common Side).
17. Waterman's Hall (for Women).

day commit him for fear of making him let out the prisoners, but are fain to go by artifice to deal with him." The keeper at this time was one Walter Cowday, as appears from a State pardon "for seven prisoners ordered to be transported by their own consent," which he endorses. Sharper measure was dealt out to his successor, Mr. Fells, the keeper in 1696, who was summoned to appear before the Lords Justices for conniving at the escape of Birkenhead, alias Fish, alias South, East, West, &c., one of the conspirators in Sir John Fenwick's business, and who lay in prison "to be speedily tried." On examination of Fells, it was stated that Birkenhead's escape had been effected by a bribe, whereupon the sheriffs were instructed to find out the truth in order to displace Fells. Fells was furthermore charged with showing favour to Sir John Fenwick by suffering him to have pens, ink, and paper alone; a little later he was convicted on two indictments before Lord Chief Justice Holt at Guildhall, viz. for the escape of Birkenhead already mentioned, and of another prisoner imprisoned for non-payment of fine. Fell's sentence was postponed till the next term at the King's Bench Bar; but he moved the court in arrest of judgment, a motion which the King's Bench took time to consider, but which must have been ultimately decided in his favour, as two years later Fells still held the office of gaoler of Newgate.

The crimes of the latter half of the seventeenth century are of the same character as those of previous

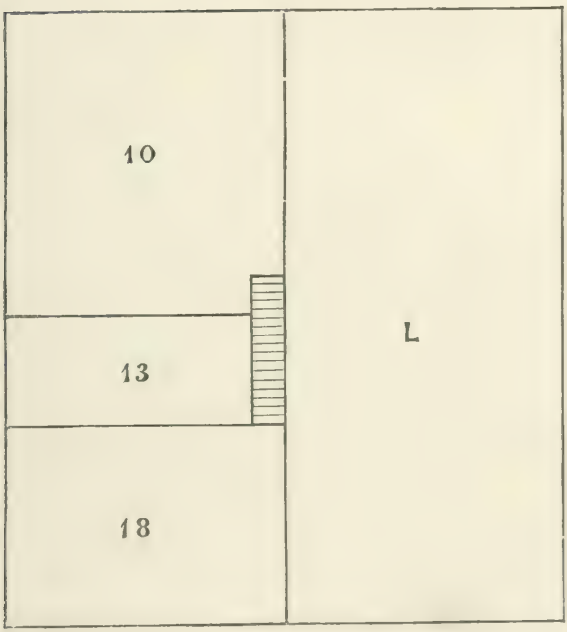
epochs. Many had, however, developed in degree, and were more widely practised. The offence of clipping and coining had greatly increased. The extent to which it was carried seems almost astounding. The culprits were often of high standing. A clipper, by name White, under sentence of death, was reprieved by the king upon the petition of the House of Commons in order that a committee of the House might examine him in Newgate as to his accomplices and their proceedings. Accordingly, White made "a large discovery" to the committee, both of clippers and coiners, and particularly of Esquire Strode, who had been a witness at the trial of the Earl of Bath (1697). Luttrell says (1696), among twenty persons convicted of coining was Atkinson, the beau "that made such a figure in town about eight years before, and spent an estate of £500 per annum in Yorkshire." In the lodgings of a parson, by name Salisbury, who was arrested for counterfeiting stamped paper, several instruments for clipping and coining were found. University men were beguiled into the crime of clipping; so were seemingly respectable London tradesmen. Goldsmiths and refiners were repeatedly taken up for these malpractices. "A goldsmith in Leicester Fields and his servants committed to Newgate for receiving large quantities of broad money from Exeter to clip it."* "A refiner's wife and two servants committed to Newgate for clipping; the husband escaped." Bird, a laceman, in custody for coining, escaped; but

* Luttrell.

To face p. 164.

NEWGATE (1700).

3rd Floor.



L. The Chapel.

10. High Hall.
13. Women's Ward. (Debtors.)
18. Women's 2nd Ward. (Felons.)

surrendered and impeached others. Certain gilders committed to Newgate petitioned therefrom, that if released they would merit the same by a discovery of a hundred persons concerned in the trade. Such are the entries which appear time after time in contemporary chronicles.

The numbers engaged in these nefarious practices were very great. In 1692 information was given of three hundred coiners and clippers dispersed in various parts of the city, for several of whom warrants were issued, some by the Treasury, others by the Lord Chief Justice. The profits were enormous. Of three clippers executed at Tyburn in 1696, one, John Moore, the tripeman, was said to have got a good estate by clipping, and to have offered £6000 for his pardon. Three other clippers arrested in St. James' St., and committed to Newgate, were found to be in possession of £400 in clippings, with a pair of shears and other implements. The information of one Gregory, a butcher, who "discovered" near a hundred persons concerned in the trade, went to prove that they made as much as £6000 a month in counterfeit money. "All their utensils and moulds were shown in court, the latter being in very fine clay, which performed with great dexterity." The extent of the practice is shown by the ingenuity of the machinery used. "All sort of material for coining was found in a house in Kentish town, with stamps for all coins from James I." The work was performed "with that exactness no banker could detect

the counterfeit." So bold were the coiners, that the manufacture went forward even within the walls of Newgate. Three prisoners were taken in the very act of coining in that prison. One of the medals or tokens struck in Newgate as a monetary medium among the prisoners is still to be seen in the Beaufoy Collection at Guildhall. Upon the obverse of the coin the legend is inscribed: "Belonging to the cellar on the master's side, 1669;" on the reverse side is a view of Newgate and the debtors' prison.

The heaviest penalties did not check this crime. The offence was high treason; men sentenced for it were hanged, drawn, and quartered, and women were burnt. In 1683 Elizabeth Hare was burnt alive for coining in Bunhill Fields. Special legislation could not cope with this crime, and to hinder it the Lords of the Treasury petitioned the Queen (Mary in the absence of William III.) to grant no pardon to any sentenced for clipping unless before their conviction they discovered their accomplices.

Highway robbery had greatly increased. The roads were infested with banditti. Innkeepers harboured and assisted the highwaymen, sympathizing with them, and frequently sharing in the plunder. None of the great roads were safe: the mails, high officials, foreigners of distinction, noblemen, merchants, all alike were stopped and laid under contribution. The following are a few of the cases which were of constant occurrence. "His Majesty's mails from Holland robbed near Ilford in Essex, and £5000

taken, belonging to some Jews in London." "The Worcester waggon, wherein was £4000 of the king's money, was set upon and robbed at Gerard's Cross, near Uxbridge, by sixteen highwaymen. The convoy, being near their inn, went on ahead, thinking all secure, and leaving only two persons on foot to guard it, who, having laid their blunderbusses in the waggon, were on a sudden surprised by the sixteen highwaymen, who took away £2,500, and left the rest for want of conveniences to carry it." Two French officers (on their way to the coast) were robbed by nine highwaymen of one hundred and ten guineas, and bidden to go home to their own country. Another batch of French officers was similarly dealt with on the Portsmouth road. Fifteen butchers going to market were robbed by highwaymen, who carried them over a hedge and made them drink King James' health. The Portsmouth mail was robbed, but only of private letters; and the same men robbed a captain going to Portsmouth with £5000 to pay his regiment with. Three highwaymen robbed the Receiver-General of Bucks of a thousand guineas, which he was sending up by the carrier in a pack: the thieves acted on excellent information, for although there were seventeen packhorses, they went directly to that which was laden with the gold. Seven on the St. Alban's Road near Pinner robbed the Manchester carrier of £15,000 king's money, and killed and wounded eighteen horses to prevent pursuit. The purser of a ship landed at Plymouth and rode to London on horseback, with £6000 worth of

rough diamonds belonging to some London merchants which had been saved out of a shipwreck. Crossing Hounslow Heath, the purser was robbed by highwaymen. "Oath was thereupon made before a justice of the peace," says Luttrell, in "order to sue the Hundred for the same." The Bath coach was stopped in Maidenhead thicket, and a footman who had fired at them was shot through the head. The Dover stage coach, with foreign passengers, was robbed near Shooter's Hill, but making resistance, one was killed. The western mail was robbed by the two Arthurs, who were captured and committed to Newgate. They soon escaped therefrom, but were again arrested at a tavern by Doctors' Commons, being betrayed by a companion. They confessed that they had gone publicly about the streets disguised in Grecian habits, and that one Ellis, a tobacconist, assisted them in their escape, for which he was himself committed to Newgate. John Arthur was soon afterwards condemned and executed. Henry Arthur was acquitted, but soon after quarrelling about a tavern bill in Covent Garden, he was killed in the *mêlée*.

All manner of men took to the road. Some of the Royal guards were apprehended for robbing on the highway. Lifeguardsmen followed the same gentlemanly occupation when off duty. "Thompson, a lifeguardsman, committed on suspicion of robbing Welsh drovers, is refused bail, there being fresh evidence against him."* Captain Beau, or Bew, formerly of the

* Luttrell.

Guards, was seized at Knightsbridge as a highwayman, and afterwards poisoned himself. Seven of his gang were committed to Newgate. Harris, 'the lifeguardsman' tried at the Old Bailey for robbing on the black mare and acquitted, was again tried a month later, and condemned. He was then reprieved, and Sir William Penn obtained the Queen's pardon for him, and a commission as lieutenant in the Pennsylvania Militia, to which colony he was to transport himself. Persons of good social status engaged in the perilous trade. One Smith, a parson and a lecturer at Chelsea, when brought up at Westminster for perjury, was found to be a confederate with two highwaymen, with whom he had shared a gold watch, and planned to rob Chelsea Church of its plate. Smith when arraigned appeared in Court in his gown, but he was "sent to Newgate, and is like to be hanged." Disguised highwaymen were often found in reputable citizens and quiet tradesmen, who upon the surface seemed honest folk. A mercer of Lombard Street was taken out of his bed and charged by a cheesemonger as being the man that robbed him two years previously. Another mercer was taken up near Ludgate on suspicion of being a highwayman, and committed. Saunders, a butcher of St. James' market, was charged with robbing the Hampton coach, and discovered three confederates, who were captured on Sunday at Westminster Abbey. "Two highwaymen taken near Highgate, one of whom was said to be a broken mercer, the other a fishmonger." Two of Whitney's

gang were said to be tradesmen in the Strand—one a goldsmith and one a milliner.

Nothing could exceed the cool impudence with which reputed robbers showed themselves in public places. They did not always escape capture, however. "A noted highwayman in a scarlet cloak," says Luttrell, "and coat laced with gold taken in Covent Garden." Another was taken in the Strand and sent to Newgate. Five more were captured at the Rummer, Charing Cross; three others, notorious highwaymen, taken at the 'Cheshire Cheeze.' At times they fought hard for liberty. "One Wake, a highwayman, pursued to Red Lion Fields, set his back against the wall and faced the constables and mob. He shot the former, and wounded others, but was at last taken and sent to Newgate." Whitney, the famous highwayman, was taken without Bishopsgate, being "discovered by one Hill, as he (Whitney) walked the street. Hill observed where the robber 'housed,' and calling for assistance, went to the door." Whitney defended himself for about an hour, but the people increasing, and the officers of Newgate being sent for, he surrendered himself, but not before he had stabbed Hill with a bayonet, "not mortal." He was cuffed and shackled with irons, and committed to Newgate.

Whitney had done business on a large scale. He had been arrested before by a party of horse despatched by William III., which had come up with him lurking between St. Alban's and Barnet. He

was attacked, but made a stout defence, killing some and wounding others before he was secured. He must have got free again very soon afterwards. His second arrest, which has just been detailed, was followed by that of many others of his gang. "Three were seized near Chelsea College by some soldiers; two more were in company, but escaped." On Sunday two others were taken; one kept a livery stable at Moorfield's. Soon after his committal there was a strong rumour that he had escaped from Newgate, but "he continues closely confined there, and has forty pounds weight of irons on his legs. He had his tailor to make him a rich embroidered suit with peruke and hat, worth £100; but the keeper refused to let him wear them, because they would disguise him from being known."* Whitney made many attempts to purchase pardon. He offered to discover his associates, and those that give notice when and where the money is conveyed on the roads in coaches and waggons. He was, however, put upon his trial, and eventually convicted and sentenced to death. He went in the cart to the place of execution, but was reprieved and brought back to Newgate with a rope round his neck, followed by a "vast" crowd. Next night he was carried to Whitehall and examined as to the persons who hired the highwaymen to rob the mails. But he was again ordered for execution, and once more sought to gain a reprieve by writing a letter in which he offered, if he might have his pardon,

* Luttrell.

to betray a conspiracy to kill the king. His last appeal was refused, and he suffered at Porter's Block, near Cow Cross, Smithfield.

Determined efforts were made from time to time to put down these robberies, which were often so disgracefully prevalent that people hardly dared to travel along the roads. Parties of horse were quartered in most of the towns along the great highways. Handsome rewards were offered for the apprehension of offenders. A proclamation promised £10 for every highwayman taken, and this was ere long increased to £40, to be given to any who might supply information leading to an arrest. Horses standing at livery in and about London, whose ownership was at all doubtful, were seized on suspicion, and often never claimed. It was customary to parade before Newgate persons in custody who were thought to be highwaymen. They were shown in their riding-dresses with their horses, and all gentlemen who had been robbed were invited to inspect this singular exhibition.* But the practice flourished in spite of all attempts at repression.

One or two types of the highwaymen of the seventeenth century may here be fitly introduced. One of the earliest and most celebrated was Jack Cottington, alias Mulled Sack, who had been a depredator throughout the Commonwealth epoch, and who enjoyed the credit of having robbed Oliver Cromwell himself on Hounslow Heath. His confederate in this, Horne,

* Macaulay, i. 380.

once a captain in Downe's foot regiment, was overtaken, captured, and hanged, but Cottington escaped. Jack Cottington began as a chimney-sweep, first as an apprentice, then on his own account, when he gained his soubriquet from his powers in drinking mulled sack. From this he graduated, and soon gained a high reputation as a pick-pocket, his chief hunting-ground being churches and puritan meeting-houses, which he frequented demurely dressed in black with a black *roquelaire*. He succeeded in robbing Lady Fairfax of a gold watch set with diamonds and a gold chain as she was on her way to Dr. Jacomb's lecture at Ludgate; and a second time by removing the lynch-pin from her Ladyship's carriage when on her way to the same church, he upset the coach, and giving her his arm, relieved her of another gold watch and seals. After this he became the captain of a gang of thieves and night prowlers, whom he organized and led to so much purpose that they alarmed the whole town. His impudence was so great that he was always ready to show off his skill as a thief in

"Mulled Sack."

any public-house if he was paid for it, in a performance he styled "moving the bung." He was not content to operate in the city, but visited the Parliament House and Courts of Law at Westminster, and was actually caught in the act of picking the Protector's pocket. He narrowly escaped hanging for this, and on coming out of gaol took permanently to the highway, where he soon achieved a still greater notoriety. With half-a-dozen comrades he robbed a government waggon conveying money to the army, and dispersed the twenty troopers who escorted it, by attacking them as they were watering their horses. The waggon contained £4000, intended to pay the troops quartered at Oxford and Gloucester. Another account states that near Wheatley, Cottington put a pistol to the carrier's head and bade him stand, at which both carter and guard rode off for their lives, fearing an ambuscade. The town of Reading he laid under frequent contribution, breaking into a jeweller's shop in that town and carrying off the contents, which he sported on his person in London. Again at Reading, hearing that the Receiver-General was about to send £6000 to London in an ammunition waggon, he entered the receiver's house, bound the family, and decamped with the money. Being by this time so notorious a character, he was arrested on suspicion, and committed for trial at Abingdon Assizes. There, however, being flush of cash, he found means to corrupt the jury and secure acquittal, although Judge Jermyn exerted all his skill to hang him. His fame was now

at its zenith. He became the burthen of street songs —a criminal hero who laughed the gallows to scorn. But about this time he was compelled to fly the country for the murder of Sir John Bridges, with whose wife he had had an intrigue. He made his way to Cologne, to the Court of Charles II., whom he robbed of plate worth £1500. Then he returned to England, after making overtures to Cromwell, to whom he offered certain secret papers if he might be allowed to go scot free. But he was brought to the gallows, and nobly deserved his fate.

Claude Duval is another hero whose name is familiar to all readers of criminal chronology. A certain halo of romance surrounds this notorious and most successful highwayman. Gallant and chivalrous in his bearing towards the fair sex, he would spare a victim's pockets for the pleasure of dancing a "corranto" with the gentleman's wife. The money he levied so recklessly he lavished as freely in intrigue. His success with the sex is said to have been extraordinary, both in London and in Paris. "Maids, widows, and wives," says a contemporary account, "the rich, the poor, the noble, the vulgar, all submitted to the powerful Duval." When justice at length overtook him, and he was cast for death, crowds of ladies visited him in the condemned hold; many more in masks were present at his execution. After hanging he lay in state in the Tangier Tavern at St. Giles, in a room draped with black and covered with escutcheons; eight wax tapers surrounded his

bier, and "as many tall gentlemen in long cloaks." Duval was a Frenchman by birth—a native of Domfront in Normandy, once a village of evil reputation. Its curé was greatly surprised, it is said, at finding that he baptized as many as a hundred children and yet buried nobody. At first he congratulated himself in residing in an air producing such longevity; but on closer inquiry he found that all who were born at Domfront were hanged at Rouen.

Duval did not long honour his native country with his presence. On the restoration of Charles II. he came to London as footman to a person of quality; but soon took to the road. Numerous stories are told of his boldness, his address, and fertility of resource. One of the most amusing is that in which he got an accomplice to dress up a mastiff in a cow's-hide, put horns on his head, and let him down a chimney into a room where a bridal merry-making was in progress. Duval, who was one of the guests, dexterously profited by the general dismay to lighten the pockets of an old farmer whom he had seen secreting a hundred pounds. When the money was missed it was supposed that the devil had flown away with it. On another occasion, having revisited France, he ingratiated himself with a wealthy priest by pretending to possess the secret of the philosopher's stone. This he effected by stirring up a potful of molten inferior metal with a stick, within which were enclosed a number of sprigs of pure gold, as black lead is in a pencil. When the baser metals were consumed by the fire, the pure gold

remained at the bottom of the pot. Overjoyed at Duval's skill as an alchemist, the priest made him his confidant and bosom friend, revealing him his secret hoards, and how they were bestowed. One day, when the priest was asleep after dinner, Duval gagged and bound him, removed his keys, unlocked his strong boxes, and went off with all the valuables he could carry. Duval was also an adroit card-sharper, and won considerable sums at play by "slipping a card"; and he was most astute in laying and winning wagers on matters he had previously fully mastered. His career was abruptly terminated by his capture when drunk at a tavern in Chandos St., and he was executed, after ten years of triumph, at the early age of twenty-seven.

William Nevison, a native-born member of the same fraternity, may be called, says Raine, "the Claude Duval of the north. The chroniclers of his deeds have told us of his daring and his charities, for he gave away to the poor much of the money he took from the rich." Nevison was born at Pontefract in 1639, and began as a boy by stealing his father's spoons. When chastised by the schoolmaster for this offence, he bolted with his master's horse, having first robbed his father's strong box. After spending some time in London thieving, he went to Flanders and served, not without distinction, in a regiment of English volunteers commanded by the Duke of York. He returned presently to England, and took to the road. Stories are told of him similar to those which

made Duval famous. Nevison was on the king's side, and never robbed Royalists. He was especially hard on usurers. On one occasion he eased a Jew of his ready money, then made him sign a note of hand for five hundred pounds, which by hard riding he cashed before the usurer could stop payment. Again, he robbed a bailiff who had just distrained a poor farmer for rent. The proceeds of the sale, which the bailiff thus lost, Nevison restored to the farmer. In the midst of his career, having made one grand *coup*, he retired from business and spent eight years virtuously with his father. At the old man's death he resumed his evil courses, and was presently arrested and thrown into Leicester Gaol. From this he escaped by a clever stratagem. A friendly doctor having declared he had the plague, gave him a sleeping draught, and saw him consigned to a coffin as dead. His friend demanded the body, and Nevison passed the gates in the coffin. Once outside, he was speedily restored to life, and resumed his old ways. He now extended his operations to the capital, and it was soon after this that he gained the soubriquet, given by Charles II., it is said, of "Swift Nick." There seems to be very little doubt that Nevison was actually the hero of the great ride to York, commonly credited to Turpin. The story goes that he robbed a gentleman at Gadshill, then riding to Gravesend, crossed the Thames, and galloped across Essex to Chelmsford. After baiting he rode on to Cambridge, and Godmanchester, thence to Huntingdon, where he baited his

mare and slept for an hour; after that, holding to the north road, and not galloping his horse all the way, reached York the same afternoon. Having changed his clothes, he went to the bowling-green, where he made himself noticeable to the Lord Mayor. By and by, when recognized and charged with the robbery at Gadshill, Nevison called upon the mayor to prove that he had seen him at York; whereupon he was acquitted, "on the bare supposition that it was impossible for a man to be at two places so remote on one and the same day."

Nevison appears to have been arrested and in custody in 1676. He was tried for his life, but reprieved and drafted into a regiment at Tangier. He soon deserted, and returning to England, again took to the road. He was next captured at Wakefield, tried, and sentenced to death; but escaped from prison, to be finally taken up for a trifling robbery, for which he suffered at York. The depositions preserved by the Surtees' Society show that he was the life and centre of a gang of highway robbers who worked in association. They levied black mail upon the whole country side; attended fairs, race meetings, and public gatherings, and had spies and accomplices, inn-keepers and ostlers, who kept them informed of the movements of travellers, and put them in the way of "likely jobs" to be done. Drovers and farmers who paid a tax to them escaped spoliation; but all others were very roughly handled. The gang had its head-quarters at the Talbot Inn, Newark, where they

kept a room by the year, and met at regular intervals to divide the proceeds of their robberies.

Many instances are recorded of another crime somewhat akin to highway robbery. The forcible abduction of heiresses was nothing new; but it was now prosecuted with more impudence and daring than heretofore. Luttrell tells us, under date 1st June, 1683, that one Mrs. Synderfin, a rich widow, was taken out of her carriage on Hounslow Heath, by a Captain Clifford and his comrades. They carried her into France to "Calice" against her will, and with much barbarous ill-usage made her marry Clifford. Mrs. Synderfin or Clifford was, however, rescued, and brought back to England. Clifford escaped, but presently returning to London was seized and committed to custody. He pleaded in defence his great passion for the lady, and his "seeing no other way to win her." It was not mere fortune-hunting, he declared, as he possessed a better estate than hers. But the Lord Chief Justice charged the jury that they must find the prisoners guilty, which they did, and all were sentenced to imprisonment in Newgate for one year. Captain Clifford was also to pay a fine of £1000, two of his confederates £500 each, and two more £100. In the same authority is an account how—"Yesterday a gentleman was committed to Newgate for stealing a young lady worth £10,000, by the help of bailiffs, who arrested her and her maid in a false action, and had got them into a coach, but they were rescued." Again, a year or two later, "one

Swanson, a Dane, who pretends to be a Deal merchant, is committed to Newgate for stealing one Miss Rawlins, a young lady of Leicestershire, with a fortune of £4000. Three bailiffs and a woman, Swanson's pretended sister, who assisted, are also committed, they having forced her to marry him. Swanson and Mrs. Bainton were convicted of this felony at the King's Bench Bar; but the bailiffs who arrested her on a sham action were acquitted, with which the court was not well pleased. Swanson was sentenced to death, and executed. As also the woman; but she being found with child, her execution was respited." A more flagrant case was the abduction of Miss Mary Wharton in 1690, the daughter and heiress of Sir George Wharton, by Captain James Campbell, brother to the Earl of Argyll, assisted by Sir John Johnson. Miss Wharton, who was only thirteen years of age, had a fortune of £50,000. She was carried away from her relations in Great Queen Street, on the 14th Nov., 1690, and married against her will. A royal proclamation was forthwith issued for the apprehension of Captain Campbell and his abettors. Sir John Johnson was taken, committed to Newgate, and presently tried and cast for death. "Great application was made to the king and to the relations of the bride to save his life," but to no purpose, "which was thought the harder, as it appeared upon his trial that Miss Wharton had given evident proof that the violence Captain Campbell used was not so much against her will as her lawyers endeavoured to make

it." Luttrell says, "Sir John refused pardon unless requested by the friends of Mrs. Wharton. On the 23rd December he went in a mourning coach to Tyburn, and there was hanged." No mention is made of the arrest of Captain Campbell, whom we may conclude got off to the continent. But he benefited little by his violence, for a bill was brought into the House of Commons within three weeks of the abduction to render the marriage void, and this, although the Earl of Argyll on behalf of his brother petitioned against it, speedily passed both Houses.

The affair of Count Konigsmark may be classed with the foregoing, as another notorious instance of an attempt to bring about marriage with an heiress by violent means. The lady in this case was the last of the Percies, the only child and heiress to the vast fortune of Jocelyn, the Earl of Northumberland. Married when still of tender years to the Earl of Ogle, eldest son of the Duke of Newcastle, she was a virgin widow at fifteen, and again married against her consent, it was said, to Thomas Thynne, Esq., of Longleat; * "Tom of Ten Thousand," as he was called on account of his income. This second marriage was not consummated; Lady Ogle either "repented herself of the match and fled into Holland," † or her relatives wished to postpone her entry into the matrimonial state, and she was sent to live abroad.

* Still the seat of the Thynnes; and the property of the head of the family — the present Marquis of Bath.

† Reresby's Memoirs, p. 256.

Previous to her second marriage, a young Swedish nobleman, Count Konigsmark, when on a visit to England, had paid his addresses to her, but he had failed in his suit. After his rejection he had conceived a violent hatred against Mr. Thynne. The Count was "a fine person of a man, with the longest hair I ever saw,* and very quick of parts. He was also possessed of great wealth and influence;" "one of the greatest men," Sir John Reresby tells us, "in the kingdom of Sweden; his uncle being at that time governor of Pomerania, and near upon marrying the King's (of Sweden) aunt." Konigsmark could command the devoted service of reckless men, and among his followers he counted one Captain Vratz, to whom he seems to have entrusted the task of dealing with Mr. Thynne. Vratz, although a brave soldier, who had won his promotion at the siege of Mons, under the Prince of Orange, and to whom the King of Sweden had given a troop of horse, was willing to act as an assassin. The Count came to London, living secretly in various lodgings, as he declared to hide a distemper from which he suffered, but no doubt to direct privately the operations of his bravoes. Vratz associated with himself one Stern, a Swedish lieutenant, and Boroski, "a Polander," who had arrived in England destitute, and whom, it was subsequently proved, the Count had furnished with clothes and arms. The murderers, having set a watch for their victim, attacked him at the corner of Pall Mall,

* Reresby.

about the spot where Her Majesty's Theatre now stands, as he was riding on Sunday night the 21st February, 1681, in his carriage from the Countess of Northumberland's house. One of them cried to the coachman, "Stop, you dog!" and a second, Boroski, immediately fired a blunderbuss charged with bullets into the carriage. Four bullets entered Mr. Thynne's body, each of which inflicted a mortal wound. The murderers then made off.

The unfortunate gentleman was carried dying to his own house, where he was presently joined by the Duke of Monmouth, his intimate friend, Lord Mordaunt, and Sir John Reresby, specially sent by King Charles, who feared that some political construction would be put upon the transaction, and was anxious that the perpetrators of the crime should be apprehended. Reresby, who was an active magistrate, granted warrants at once against several suspected persons, and he himself, accompanied by the Duke of Monmouth and others, made a close search, which ended in the arrest of Vratz in the house of a Swedish doctor, in Leicester Fields. His accomplices were also soon taken, and all three were examined by the King in Council, when they confessed that they had done the deed at the instigation of Count Konigsmark, "who was lately in England." * At the same time a Monsieur Foubert, who kept an "Academy" in London, which a younger brother of Count Konigsmark attended, was arrested as being privy to the

* Luttrell.

murder, admitted that the elder brother had "arrived incognito ten days before the said murder, and lay disguised till it was committed, which gave great cause to suspect that the Count was at the bottom of the whole bloody affair."* The King despatched Sir John Reresby to seize Konigsmark, "but the bird had flown; he went away betimes, on the morning of the day after the deed was perpetrated."† He went down the river to Deptford, then to Greenwich, and the day after to Gravesend, where he was taken by two King's messengers, accompanied by "Mr. Gibbons, servant to the Duke of Monmouth, and Mr. Kidd, gentleman to Mr. Thynne." He was dressed "in a very mean habit, under which he carried a naked sword." When seized he gave a sudden start, so that his wig fell off, and the fact that he wore a wig, instead of his own hair as usual, was remembered against him at his trial, as an attempt at disguise. The Count was carried to an inn in Gravesend, where he expressed very great concern when he heard that his men had confessed; declaring that it (the murder) was a stain upon his blood, "although one good action in the wars, or lodging on a counterscarp, would wash all that away." His captors received the £200 reward, promised in the *Gazette*, and in addition the £500 offered by Sir Thomas Thynne, Mr. Thynne's heir.

They carried him at once to London, before the King in Council, where he was examined, but the

* Reresby's Memoirs. † Reresby.

Council being unwilling to meddle on account of his quality, as connected with the kingdom of Sweden, he was then taken before Chief Justice Pemberton, who could, if he thought fit, send him to gaol. He was examined again till eleven at night, and at last, "much against the Count's desire," committed him to Newgate. He stood upon his innocency, and confessed nothing, yet "people are well satisfied that he is taken."* While in Newgate, Count Konigsmark was lodged in the governor's house, and was daily visited by persons of quality. Great efforts were now made to obtain his release. The M. Foubert, already mentioned, came to Sir John Reresby, and offered him any money to withdraw from the prosecution, but the overtures were stoutly rejected, and his emissary was warned to be cautious "how he made any offers to pervert justice." A more effectual attempt at bribery was probably made on the jury, of whom the prisoner challenged eighteen. He had their names on a list, and knew beforehand whom he could or could not trust. The Judge, Lord Chief Justice Pemberton, was also clearly in his favour. The defence set up was that Vratz had taken upon himself to avenge an affront offered by Mr. Thynne to his master, and Count Konigsmark denied all knowledge of his follower's action. The Count tried to explain the privacy in which he lived, and his sudden flight. But the counsel for the prosecution laid great stress on the intimacy between him and the murderers;

* Luttrell.

the absence of any object on the part of the latter, unless instigated by the former. The Chief Justice, however, summed up for the Count, assuring the jury that a master could not be held responsible for the acts of his servants, if ignorant of them, and that if they thought the Count knew nothing of the murder till after it was done, they must acquit him. Which they did, "to the no small wonder of the auditory," as Luttrell says, "as more than probable good store of guineas went amongst them." Konigsmark was set at liberty at the end of the trial, but before his discharge he was bound in heavy securities, in £2000 himself, and £2000 from two friends, to appear at the King's Bench bar the first day of the following term. "Yet notwithstanding, the Count is gone into France, and it is much doubted whether he will return to save his bail." * After his departure he was challenged by Lord Cavendish and Lord Mordaunt, but no duel came off, Konigsmark declaring that he never received the cartel till too late. His agents or accomplices, or whatever they may be called, were convicted and executed.†

Count Konigsmark did not long survive Mr. Thynne, nor did he succeed in winning Lady Ogle's hand. That doubly widowed yet virgin wife presently married the Duke of Somerset, by whom she had two sons. As for Konigsmark, according to the 'Amsterdam Historical Dictionary,' quoted in Chambers' 'Book of Days,' he resumed the career

* Luttrell. † See chap. vi.

of arms, and was wounded at Cambray in 1683. He afterwards went to Spain with his regiment, and distinguished himself on several occasions; after that he accompanied an uncle Otto William to the Morea, where he was present at the battle of Argas. In this action he so overheated himself that he was seized with pleurisy, and died at the early age of twenty-seven, within little more than four years of the murder of Mr. Thynne. It was another Count Konigsmark, near relative of this, Count Philip, whose guilty intrigue with Sophia Dorothea, wife of George I., when Elector of Hanover, led to his assassination in the Electoral palace.

In the foregoing the softer sex were either victims or the innocent incentives to crime. In the case of that clever and unscrupulous impostor Mary Moders, otherwise Carelton, commonly called the German Princess, it was exactly the opposite. The daughter of a chorister in Canterbury Cathedral, she married first a shoemaker; then, dissatisfied with her lot, ran off to Dover and committed bigamy with a doctor. She was apprehended for this, tried, and acquitted for want of evidence. She next passed over into Holland, and went the round of the German spas, at one of which she encountered a foolish old gentleman of large estate, who fell in love with her and offered marriage. She accepted his proposals and presents; but having cajoled him into intrusting her with a large sum to make preparations for the wedding, she absconded to Amsterdam and Rotterdam,

where she took ship and came over to London. Alighting at the Exchange Tavern, kept by a Mr. King, she assumed the state and title of a princess, giving herself out as the ill-used child of Count Henry Van Wolway, a sovereign prince of the empire. John Carelton, a brother-in-law of her landlord's, at once, "in the most dutiful and submissive manner," paid his addresses to her, and she at last condescended to marry him. Carelton was presently undeceived by an anonymous letter, which proved his wife to be a cheat and impostor. The princess was arrested, committed to Newgate, and tried for polygamy at the Old Bailey, but was a second time acquitted. On her release, deserted by Carelton, she took to the stage, and gained some reputation, especially in a piece written for her entitled the 'German Princess.' Her fame spread through the town, and she was courted by numberless admirers, two of whom she played off against each other; and having fleeced both of several hundred pounds, flouted them for presuming to make love to a princess. Another victim to her wiles was an elderly man, "worth about £400 per annum," who loaded her with gifts; he was "continually gratifying her with some costly present or another, which she took care to receive with an appearance of being ashamed he should heap so many obligations on her, telling him she was not worthy of so many favours."* One night when her lover came home in liquor, she got him to bed, and

* 'Celebrated Trials,' ii. 322.

when he was asleep rifled his pockets, securing his keys and a bill on a goldsmith for a hundred pounds. Opening all his escritoires and drawers, she stole everything, gold pieces, watches, seals, and several pieces of plate, and then made off. After this she led a life of vagabondage, moving her lodgings constantly, and laying her hands on all she could steal. She was adroit in deceiving tradesmen, and swindled first one and then another out of goods. At last she was arrested for stealing a silver tankard in Covent Garden, and committed again to Newgate. This time she was found guilty and cast for death, but the sentence was commuted to transportation. She was sent in due course to Jamaica, but within a couple of years escaped from the plantations, and reappeared in England. By some means she managed to pass off as a rich heiress, and inveigled a rich apothecary into marriage, but presently robbed him of above £300 and left him. Her next trick was to take a lodging in the same house with a watchmaker. One night she invited the landlady and the watchmaker to go to the play, leaving her maid, who was a confederate, alone in the house. The maid lost no time in breaking open the watchmaker's coffers, and stole therefrom thirty watches, with about two hundred pounds in cash, which she carried off to a secure place in another part of the town. Meanwhile the "princess" had invited her dupes to supper at the Green Dragon Tavern in Fleet Street, where she managed to give

them the slip and joined her maid. This was one of the last of her robberies. Soon afterwards fate overtook her quite by accident. The keeper of the Marshalsea, in search of some stolen property, came to the house where she lodged, in New Spring Gardens, and saw her "walking in the two-pair-of-stairs room in a night-gown." He went in, and continuing his search, came upon three letters, which he proceeded to examine. "Madam seemed offended with him, and their dispute caused him to look at her so steadfastly that he knew her, called her by her name, and carried away both her and her letters."* She was committed and kept a prisoner till 16th January, 1673, when she was arraigned at the Old Bailey, as the woman Mary Carelton, for returning from transportation. On the last day of the sessions she received sentence of death, "which she received with a great deal of intrepidity."

She appeared more gay and brisk than ever on the day of her execution. When the irons were removed from her on her starting for Tyburn, she pinned the picture of her husband Carelton to her sleeve, and carried it with her to the gallows. She discovered herself to a gentleman in the crowd as a Roman Catholic, and having conversed with him for some time in French, on parting said, *Mon ami, le bon Dieu vous benisse.* At the gallows she harangued the crowd at some length, and died as she had lived, a reckless although undoubtedly gifted and intelligent woman.

* 'Celebrated Trials,' ii. 326.

Prominent among the criminal names of this epoch is that of the informer, Titus Oates, no less on account of the infamy of his conduct than from the severe retribution which overtook him in the reign of James II. The arraignment of Green, Berry, and Laurence Hill for the trial of Sir Edmundbury Godfrey, who were brought for the purpose "from Newgate to the King's Bench Bar," is a well-known judicial episode of the year 1678. Oates was the principal witness against them; but he was followed by Prannce, an approver, and others. After much evidence for and against, and much equivocation, the Lord Chief Justice Scroggs summed up the evidence strongly for conviction. When the jury soon returned a verdict of guilty, the Lord Chief Justice commended them, and said if it were the last word he had to speak he would have pronounced them guilty. Sentence was then given, and within a fortnight they were executed. These victims of the so-called Popish Plot were, however, amply and ruthlessly avenged. Macaulay tells the story. Oates had been arrested before Charles II.'s death for defamatory words, and cast in damages of £100,000. He was then, after the accession of James II., tried on two indictments of perjury, and it was proved beyond doubt that he had by false testimony deliberately murdered several guiltless persons. "His offence, though in a moral light murder of the most aggravated kind, was in the eye of the law merely a misdemeanour." But the tribunal which convicted made its punishment pro-

portionate to the real offence. Brutal Judge Jeffries was its mouthpiece, and he sentenced him to be unfrocked and pilloried in Palace yard, to be led round Westminster Hall, with an inscription declaring his infamy over his head; to be pilloried in front of

OATES IN THE PILLORY.

the Royal Exchange, to be whipped from Aldgate to Newgate, and after an interval of two days to be whipped from Newgate to Tyburn. He was to be imprisoned for life, and every year to be brought from his dungeon and exposed in different parts of the capital. When on the pillory he was mercilessly pelted, and nearly torn to pieces. His first flogging was executed rigorously in the presence of a vast

crowd, and Oates, a man of strong frame, long stood the lash without a murmur. "But at last his stubborn fortitude gave way. His bellowings were frightful to hear. He swooned several times; but the scourge still continued to descend. When he was unbound it seemed he had borne as much as the human frame could bear without dissolution. . . . . After an interval of forty-eight hours Oates was again brought out from his dungeon. He seemed unable to stand, and it was necessary to drag him to Tyburn on a sledge." He was again flogged, although insensible, and a person present counted the stripes as seventeen hundred. "The doors of the prison closed upon him. During many months he remained ironed in the darkest hole in Newgate." A contemporary account written by one of his own side declares he received "upwards of two thousand lashes—such a thing was never inflicted by any Jew, Turk, or heathen but Jeffries. . . . . Had they hanged him they had been more merciful; had they flayed him alive it is a question whether it would have been so much torture." *

Dangerfield, another informer of the Oates type, but of lesser guilt, was also convicted and sentenced to be similarly flogged from Aldgate to Newgate, and

* Dr. Oates in the next reign was to some extent indemnified for his sufferings. When quite an old man he married a young city heiress with a fortune of £2000; and a writer who handled this "Salamanca wedding," as it was called, was arrested. Oates was in the receipt of a pension of £300 from the Government when he died in 1705.

from Newgate to Tyburn. "When he heard his doom he went into agonies of despair, gave himself up for dead, and chose a text for his funeral. His forebodings were just. He was not indeed scourged quite so severely as Oates had been; but he had not Oates's iron strength of body and mind." On his way back to prison he was assaulted by Mr. Francis, a Tory gentleman of Gray's Inn, who struck him across the face with a cane and injured his eye. "Dangerfield was carried dying into Newgate. This dastardly outrage roused the indignation of the bystanders. They seized Francis, and were with difficulty restrained from tearing him in pieces. The appearance of Dangerfield's body, which had been frightfully lacerated by the whip, inclined many to believe that his death was chiefly if not wholly caused by the stripes which he had received." The Government laid all the blame on Francis, who was tried and executed for murder.

Religion and politics still continued to supply their quota of inmates. The law was still cruelly harsh to Roman Catholics, Quakers, and all Nonconformists.

The Fifth Monarchy men in 1661, when discomfited and captured, were lodged in Newgate, to the number of twenty or more. Venner, the ringleader, was amongst them. The State Trials give the trial of one John James, who was arraigned at the King's Bench for high treason. He was found guilty of compassing the death of the king, and suffered the cruel sentence then in force for the crime. James has left some

details of the usage he received in Newgate, especially in the matter of extortion. Fees to a large amount were exacted of him, although a poor and needy wretch, "originally a small coal-man." In the press-yard he paid 16*s.* to the keeper Hicks for the use of his chamber, although he only remained there three or four days. The hangman also came to demand money, that "he might be favourable to him at his death," demanding twenty pounds, then falling to ten, at last threatening, unless he got five, "to torture him exceedingly. To which James said he must leave himself to his mercy, for he had nothing to give him." Yet at the execution, the report says the sheriff and the hangman were so civil to him as to suffer him to be dead before he was cut down. After that he was dismembered; some of them were burnt, the head and quarters brought back to Newgate in a basket, and exposed upon the gates of the city. Venner and several others suffered in the same way.

Many Quakers were kept in Newgate, imprisoned during the king's pleasure for refusing to take the oaths of allegiance and supremacy. Thus John Crook, Isaac Grey, and John Bolton were so confined, and incurred a præmunire or forfeiture of their estates. But the most notable of the Quakers were Penn and Mead. In its way this is a most remarkable trial, on account of the overbearing conduct of the Bench towards the prisoners. In 1670 these two, the first described as gentleman, the second as linen-draper, were indicted at the Old Bailey for having caused a

tumultuous assembly in Gracechurch Street. The people collected, it was charged, to hear Penn preach. The demeanour of the prisoners in the court was so bold, that it drew down on them the anger of the recorder, who called Penn troublesome, saucy, and so forth. The jury were clearly in their favour, and brought in a verdict of not guilty, but the court tried to menace them. The Lord Mayor, Sir Samuel Stirling, was especially furious with Penn, crying, "Stop his mouth; gaoler, bring fetters and stake him to the ground." At last the jury, having refused to reconsider their verdict, were locked up; while Penn and Mead were remanded to Newgate. Next day the jury came up, and adhered to their verdict. Whereupon the recorder fined them forty marks apiece for not following his "good and wholesome advice," adding, "God keep my life out of your hands."* The prisoners demanded their liberty, "being freed by the jury," but were detained for their fines imposed by the judge for alleged contempt of court. Penn protested violently, but the recorder cried, "Take him away!" and the prisoners were once more haled to Newgate. Edward Bushell, one of the above-mentioned jurors, who was committed to Newgate in default of payment of fine, subsequently sued out a Habeas Corpus, and was brought before Lord Chief Justice Vaughan, who decided in his favour, whereon he and the other jurymen were discharged from gaol.

* The practice of fining jurors for finding a verdict contrary to the direction of the judge had already been declared arbitrary, unconstitutional, and illegal.

There were Roman Catholics too in Newgate, convicted of participation in the Popish plot. Samuel Smith the ordinary publishes in 1679 an account of the behaviour of fourteen of them, "late Popish malefactors, whilst in Newgate." Among them were Whitehead, provincial, and Fenwick, procurator, of the Jesuits in England, and William Harcourt, pretended rector of London. The account contains a description of Mr. Smith's efforts at conversion and ghostly comfort, which were better meant than successful.

After the revolution of 1688 there was an active search after Romish priests, and many were arrested, among them two bishops, Ellis and Leyburn, were sent to Newgate. They were visited in gaol by Bishop Burnet, who found them in a wretched plight, and humanely ordered their situation to be improved. Other inmates of Newgate at this troublous period were the Ex-Lord Chief Justice Wright and several judges. It was Wright who had tried the seven bishops. Jeffries had had him made a judge, although the Lord Keeper styled him the most unfit person in the kingdom for that office. Macaulay says very few lawyers of the time surpassed him in turpitude and effrontery. He died miserably in Newgate about 1690, where he remained under a charge of attempting to subvert the Government.

CHAPTER V.

IN THE PRESS-YARD.

Press-yard described—Charges for admission—Extortionate fees paid to turnkeys and governor—The latter's perquisites—Night carousing in Press-yard—Penalty for excess—Days how spent—Arrival of Jacobite prisoners—Discussed by lower officials—Preparations for them—Their appearance and demeanour—High prices charged for gaol lodgings—They live royally—First executions abate their gaiety—Escapes—Keeper superseded by officials specially appointed by Lord Mayor—Strictness of new *régime*—A military guard mounts—Rioting and revels among the Jacobites once more checked by execution of members of the party—Rumours of an amnesty—Mr. Freeman, who fired a pistol in theatre when Prince of Wales was present, committed to Press-yard—Freeman's violent conduct—Prisoners suffer from overcrowding and heat—Pardons—Rob Roy in Newgate—Other prisoners in Press-yard—Major Bernardi—His history and long detentions—Dies in gaol after forty years' imprisonment.

The situation of this section of the prison has been already indicated. It was intended more especially for State prisoners, or those incarcerated on "commitments of State," and was deemed to be part and parcel of the governor's house, not actually within the precincts of the prison. This was a pious fiction, put forth as an excuse for exacting fees in excess of the amounts prescribed by Act of Parliament.

A sum of twenty guineas was charged for admission to this favoured spot; in other words, "for liberty of having room enough to walk two or three of a breadth."* "The gentlemen admitted here are moreover under a necessity of paying 11*s.* each per week, although two and sometimes three lie in a bed, and some chambers have three or four beds in them." † The act referred to specially provided that keepers might not charge more than half-a-crown per week as rent for every chamber. This rule the governor of Newgate—"for this haughty commander-in-chief over defenceless men is styled by the same name as the constable of the Tower"—entirely ignored, and the prisoner committed to his custody had to decide between submitting to the extortion, "or take up his abode in the common gaol," where he had thieves and villains for his associates, and was "perpetually tormented and eaten up by distempers and vermin."

The extortion practised is graphically described by one who endured it. The author of the 'History of the Press-yard,' after having been mulcted on first arrival at the lodge for drink and "garnish," ‡ was, although presumably a State prisoner, and entitled to better treatment, at once cast in the condemned hold. In this gruesome place, which has been already described, he lay "seized with a panic dread" at the survey of his new tenement, and willing to

* 'History of the Press-yard.' † *Ibid.*

‡ See chap. x.

change it for another on almost any terms. "As this was the design of my being brought hither, so was I made apprized of it by an expected method; for I had not bewailed my condition more than half-an-hour, before I heard a voice from above crying out from a board taken out of my ceiling, which was the speaker's floor, 'Sir, I understand your name is ——, and that you are a gentleman too well educated to take up your abode in a vault set apart only for thieves, parricides, and murderers. From hence criminals after sentence of death are carried to the place of execution, and from hence you may be removed to a chamber equal to one in any private house, where you may be furnished with the best conversation and entertainment, on a valuable consideration.'" The speaker went on to protest that he acted solely from good will; that he was himself a prisoner, and had suffered at first in the same manner, but had paid a sum to be removed to better quarters, "which he thanked God he enjoyed then to his heart's content, wanting for nothing that a gaol could afford him." The victim begged to know the terms, and to be put in communication with the proper officer to make a contract for release. The other promised accordingly, and a quarter of an hour afterwards "clang went the chain of my door and bolts, and in comes a gentleman-like man of very smiling aspect," who apologized profusely, swearing that those who had ill-used a gentleman in such an unhandsome manner should be well trounced for it. "He moreover

excused the want of suitable entertainment for persons of condition in prison-houses, and assured me that I should be immediately conducted to the governor's house, who would take all imaginable care of my reception. After this he very kindly took me by the hand to lead me down into the lodge, which I rightly apprehended as a motive to feel my pulse, and therefore made use of the opportunity to clap two pieces, which he let my hand go to have a fast grip of, in his."

His deliverer was the head turnkey, by name Bodenham Rouse, whom he accompanied to the Lodge, and there again stood drink. "We gave our service to one another in a glass of wine, drawn by Dame Spurling, the fat hostess who kept the tap in the Lodge." Over the friendly glass terms were propounded and accepted, and having paid down his twenty guineas—a large sum, excused on the grounds that Mr. Pitt the governor had paid £1000 for his place—the prisoner followed his guide through Phœnix court into the governor's house, where he had the honour of saluting and taking a dram of arrack with the great Mr. Pitt, who "as a mark of his favourable intentions to me, gave order for furnishing me a bed with clean sheets, after I had paid the woman that brought them to my barrack of a chamber in the press-yard, whither I was soon conveyed through a door with a great iron chain to it, five shillings."

The new-comer was cordially welcomed and intro-

duced by "George, the cobbler of Highgate," * apparently a prison official, to a congenial companion, who explained to him the ways of the place. It was in the first place incumbent on every arrival to pay his footing. About seven or eight o'clock the entrance fee was demanded. It had previously been only six bottles of wine, and tobacco in proportion. This was now raised to ten or twelve bottles, which, if a prisoner was straitened for money, "could be scored at the bar of the honest tapster, who, though he lost several hundred pounds by that method of proceeding, was not discouraged from going on with it in favour of unhappy gentlemen." This talk lasted over pipes and a pot of stout, until notice was brought by "a person in gray hairs, who had then the keys of the press-yard, that all things were ready for an evening refreshment, and that honest Tom the butler had carried the bottles, pipes, and tobacco into our refectory, called the tap-room." Here the giver of the entertainment seated himself at the head of the table, and the guests on each side of him. Among them was a major who had been in the army † so long that he was of the same standing as the Duke of Marlborough, and "commanded over General Mallow, now a great

* This cobbler of Highgate was a zealous Jacobite, who turned out in his best suit of clothes on King James's birthday. For this he was prosecuted, and sentenced to be whipped up and down Highgate Hill, with a year's imprisonment in Newgate. He lived on the fat of the land during his incarceration, had quarters in the press-yard, and "lay in lodgings at ten or twelve shillings a week."

† This was Bernardi. See post, p. 226.

officer in Spain, when he was an ensign on the Irish establishment." Another was "a gentleman, who being of the late King James's Horse Guards, had adhered to that exiled monarch's fortunes till he was driven out of Ireland." Both these gentlemen had married since their confinement, the one, though near seventy,* "to a young woman not much above twenty . . . . the other, of less advanced years, to a widow gentlewoman of a like age, who lived very comfortably with him—" of course in the prison.

They met the new-comer with "all possible civility, and indeed made the hours pass over more agreeably than he could have expected in that place." They drank deep and late. "I continued whipping out sixpences to advance more bottles, till our cheerfulness was turned into drowsiness, and merriment became the subject of dispute with some of my fellow-prisoners, so it was thought high time by the most sober of us to break up and retire to our chambers, with the ceremony of the turnkeys locking each of the two staircase-doors after us." The new prisoner, furnished with a clay candlestick, "because he had not yet equipped himself with one of earthenware," found his way up three pairs of stairs to a large room, which had its entrance through the chapel. The bars were as thick as his wrist, and very numerous. The stone walls, which had borne the same hue for above half a century, were bedaubed with texts of Scripture written in charcoal, such as

* Bernardi.

"Man is born to trouble, as the sparks fly upward," "Before I was afflicted I went astray, but now I have kept Thy word." There were bedsteads made of boards for the bedding, but neither "flocks nor feathers to make one." The tables and chairs were of like antiquity and use. "And Potiphar's wife's chambermaid's hat at the coffee-house in Chelsea had as fair a claim to any modern fashion as any one thing in the room." Our author is disgusted at the accommodation provided for the price, twelve shillings a week, and another twelve pence for the woman or nurse who cleaned the place. But he is consoled by being told what he had escaped by not being locked up on the master's side, "where, besides a thousand other inconveniences, I must have paid one and sixpence per diem for leave to associate myself with pickpockets in a dark and stinking cellar."

The following morning he was admitted into other mysteries of the place. All who had exceeded the previous night had to pay the usual forfeit, a groat in drink for the turnkeys, which the latter collect very punctually, and at the payment of the forfeit, "as many persons as think fit may be present." The names of the offenders having been called over with all ceremony, all pleaded guilty and promptly paid the fine, which was forthwith spent in liquor, to be consumed by the cobbler of Highgate and his fellows. From this time forward the novice was free of the place, and was looked upon by the other prisoners as one of themselves. The morning passed with the ordinary

diversions. Talk over the persons of distinction who had gone to Tyburn out of such and such a room, was varied by the perusal of newspapers hired out by the turnkeys, and the discussion of the literary merits of the last dying speech composed by a condemned prisoner, who was on the brink of the gallows. One is given by the author of 'The Press-yard' in extenso, the oration of one J— B—ggs, an "orange merchant," sentenced to die for outwitting the Bank of England, a flowery piece of rhetoric, hardly worth transcribing, which wound up with these words,—

"So much by way of oration. Here, Jack (Ketch), do your office decently and with despatch; these clothes, hat, and wig are yours; you will find fifteen shillings and some grocery in my pocket. Now, Mr. Ordinary, you may sing the psalm if you please, and I'll endeavour as well as it is possible to bear a bob with you, but let it be none of your penitential ones."

Thus passed the day. Towards evening visitors began to flock in from outside to take their bottle and comfort "the distressed inhabitants" of Newgate press-yard in the only way possible, by inordinate drinking. Of the visitors some were friends and relatives, others came from sheer predilection for criminal society. Among them was an alderman's son, "who, not having so much prudence as his father, rendered himself suspected by keeping suspicious company." Political affinities attracted more: the eminent merchant, "who would have done much better to relieve the Militia officer (? Bernardi), he

came to carouse with, at a distance, than to appear so publicly in support of a person obnoxious to the Government;" or the clergyman, "who had made himself famous at Whitechapel, or in Saint Laurence's Church, whom it behoved in a particular manner to take heed of his ways, since his zeal had already gained him the opposite party's displeasure." All of these came and went as they pleased. Conviviality was general, liquor was freely called for, potations were deep, and the press-yard of Newgate at night time was like the tap-room of a common inn.

The moment was one of considerable political excitement. The Pretender's first attempt had collapsed in the north, and the press-yard was about to be crowded with more eminent guests. Our author is aroused one fine morning by loud joy-bells pealing from the churches, and he learns from his Jacobite companion that the "king's (Pretender's) affairs were ruined, and that the generals Willis and Carpenter had attacked the Jacobite forces in Preston, and taken all prisoners at discretion." Newgate is convulsed by the news. Its officers are wild with delight, "calling for liquor after an extravagant manner, and drinking to their good luck, which was to arise from the ruin and loss of lives and fortunes in many good families." A dialogue is overheard between the hangman, the deputy bed-maker, and a turnkey's understrapper to the following effect:—

Executioner. Come, Doll, here's to you. Good days to us once more. If this news be true I am made a man for ever.

Bed-maker. What news, Mr. Marvell?* Has the Parliament lengthened out the suspension of the Habeas Corpus Act?

Deputy Turnkey. No, you fool; something better than that.

Exec. Two or three hundred prisoners for high treason. Drink a bumper to their sudden arrival. They'll be your tenants very speedily.

Bedm. How! Two or three hundred! Where shall we stow them?

Dep. T. Never heed that we shall find room for them, provided they have wherewithal to pay for it.

Exec. Pay for it! Most of them have very great estates, and are topping gentry, so there is no question we shall all of us make a penny by them.

Dep. T. I for fees to lighten their irons.

Bedm. I for keeping their chambers sweet and clean.

Exec. I for civility money in placing their halters' knot right under their left ear, and separating their quarters at the place of execution with all imaginable decency.

Bedm. But with fine gentlemen such as these are said to be, what is their crime?

Dep. T. She's so stupid as not to remember that we are talking of the defeated rebels.

Bedm. True; now I understand you. And those sort of gentry are to be brought hither?

Dep. T. Yes, you fool. Tom, t'other quartern of Geneva; we shall call for our bottle of port in a few days. I'll e'en think of conning my new lesson against the prisoners come to town. "May it please your honour, this pair of derbys is as bright as silver, and weigh two guineas lighter than those such a gentleman has on."

Bedm. And I, these sheets are made of the finest holland, and are never used but when persons of the first rank are to lie in them. Sir, such an one gave me a guinea the first night he handselled them.

Exec. I shall not be behindhand with this, though it will come last to my turn to finger any of their money. For you are to remember, that besides £3 per head I shall have from the sheriff for the execution of every peer, their clothes and the money in their pockets will likewise be my perquisites. And for every gentleman

* Mr. Marvell was either principal hangman or the assistant.

hanged and quartered I am to have the like sum, with the respective gratifications they shall make me for a quick and easy despatch; so that in all likelihood, provided the king does not unseasonably spoil my market by reprieves and pardons, which I hope he will never consent to, I shall not only purchase the title of an esquire, but the estate too, and be in a condition of yet taking an apprentice (? as hangman) under the same that are usually given to a Turkey merchant, which may make my wife hold up her head one day or other to the level of an alderman's wife.

This conversation was presently interrupted by the approach of Mr. Pitt, the governor, who came, accompanied by other officials, to survey the rooms, and estimate the number of new tenants that could be accommodated therein. All due preparations made, a few days more brought to Newgate the unfortunate noblemen and gentlemen who had surrendered at discretion, hoping thus, although vainly, to save both life and estate. On their arrival in London they were led in triumph through the streets to their respective places of durance—viz. the Tower, the Marshalsea, Newgate, and the Fleet. The prisoners on arrival at Highgate were met by Major-General Tarlton with two battalions of Royal Foot Guards, completely armed. Cords were also brought sufficient to pinion each prisoner after the manner of condemned criminals, and to lead their horses with, "for each, from the lord to the footman, was accommodated with a Grenadier to that end." Thus under safe conduct they marched from the Hill of Highgate to their several places of confinement. The Major-General led the way, being "preceded by several citizens of more loyalty than compassion, who made repeated huzzas to excite the

mob to do the like." After the General commanding came a company of the first regiment of Guards, "who made a very fine appearance." Then came the division for the Tower, two and two, the Earl of Derwentwater and Lord Widdrington in the first rank, the other lords and noblemen following with haltered horses, bound like common malefactors, and reviled and hooted.

Those for Newgate brought up the rear. They were civilly and humanely treated on arrival there. The officers received them under the gateway, and no sooner were the prisoners alighted from their horses and their names called over, than their cords were immediately cut from their arms and shoulders, and refreshment of wine brought to them. "Their number was about seventy," says our author.* "And amongst them in particular I could not but cast my eye upon one Mr. Archibald Bolair, who in the sixteenth year of his age was said to have signalized his courage, and have displayed as much skill and dexterity in feats of arms in the battle of Preston as the oldest commander of them, Brigadier Macintosh himself, though trained up in warlike affairs, not excepted. What induced me to distinguish him from the rest was the fearless way of expression he made use of when the clerk of the prison cut his cords. 'By my soul, man,' said he, 'you should not have done that, but kept it whole that I might either have been hanged with it, or have it to show, if I escaped the gallows, how I had been led like a dog in a string for twice two miles together.'

* 'History of the Press-yard.'

Mr. Bolair then enquired feelingly for his followers, who had been brought so many miles from home out of observance of his orders, and he was anxious that they should not want." Young Mr. Bolair was told off to the same room as our author, into which two additional beds were placed, for the convenience of the keeper, who by four beds in one room, filled each with three tenants, got £6 per week, besides the sums paid as entrance money.

The prisoners included many persons of note. Two of them—Mr. Forster, who thought himself slighted and ill-used because, in consideration of his seat in Parliament, he had not been imprisoned in the Tower; and Francis Anderson, esquire, commonly called Sir Francis, a gentleman of £2000 per annum—had apartments in the governor's house at £5 per head per week. There were also Colonel Oxborough, Brigadier Macintosh, the two Talbots, the Shaftos, Mr. Wogan, and Captain Menzies, who with their adherents and servants were thrust into the worst dungeons,—such as "the lion's den" and the "middle dark,"—till for better lodgment they had advanced more money than would have rented one of the best houses in Piccadilly or St. James's Square. The fee or premium paid by Mr. Forster and Sir Francis Anderson for being accommodated in the governor's house was £60, and it cost the latter twenty-five guineas more to keep off his irons. Mr. Widdrington, Mr. Ratcliffe, and others paid twenty guineas apiece for the like favour at their first coming in; and every one that would not be turned to

the common side, ten guineas, beside two guineas, one guinea and ten shillings per man for every week's lodging, although in some rooms the men lay four in a bed. As the result of these extortions it was computed that Mr. Pitt cleared some £3000 or £4000 in three or four months, "besides valuable presents given in private, and among others a stone (entire) horse."

Money was, however, plentiful among the incarcerated Jacobites, and so far as was consistent with their situation, they lived right royally. Sympathetic friends from without plied them with wines and luxurious diet. They had every day a variety of the choicest eatables in season, "and that too as early as the greatest and nicest ladies."* Forty shillings for a dish of peas was nothing to their pockets, nor 13*s.* for a dish of fish. These, "with the best French wine, was an ordinary regale." They "lived in this profuse manner, and fared so sumptuously through the means of daily visitants and helps from abroad." Money circulated plentifully within the prison. While it was difficult to change a guinea at any house in the street, nothing was more easy than to have silver for gold in any quantity in Newgate. Nor did many of them lack female sympathy. Ladies of the first rank and quality, even tradesmen's

* 'Secret History of the Rebels in Newgate: giving an account of their daily behaviour from their commitment to their gaol delivery.' Taken from the diary of a gentleman in the same prison—who was evidently no particular admirer of theirs.

wives and daughters, "made a sacrifice of their husbands' and parents' rings and precious movables for the use of those whom the law had appointed to be so many sacrifices themselves."* "It is not to be supposed that a champion so noted for the cause as Captain Silk was neglected; for he had his full share of those treats which soon made his clothes too little for his corpse." When not feasting and chambering, the prisoners found diversion in playing shuttlecock, "at which noble game the valiant Forster beat all who engaged him, so that he triumphed with his feather in the prison though he could not do it in the field."†

For long there was nothing among them but "flaunting apparel, venison pasties, hams, chickens, and other costly meats." But soon all their jollity came abruptly to an end. The news of the sad fate of the two peers Derwentwater and Kenmure, who had been brought to trial and executed upon Tower Hill, "abated their gaiety." They were yet more unmistakably reminded of their perilous position by the notice which now came to them to provide themselves with counsel and witnesses for their own defence. Fresh committals too were made to Newgate; prisoners were sent in from the Tower and the Fleet. Among them were Mr. Howard, brother to the Duke of Norfolk, the Master of Nairn, Mr. Baird

* 'History of the Press-yard.'

† It will be remembered that Mr. Forster's want of generalship lost the battle of Prestonpans.

Hamilton, "a gentleman who behaved with wonderful gallantry at the action of Preston;" Mr. Charles Radcliffe, Lord Derwentwater's brother, "a youth of extraordinary courage;" Mr. Charles and Mr. Peregrine Widdington, "two gentlemen of diversion and pleasure, both papists;" the two Mr. Cottons, father and son, "nonjurant protestants, and of great estate in Huntingdonshire;" Mr. Thomas Errington, "a gentleman that had been in the French service, ... with the laird of Macintosh, Colonel McIntosh, and Major McIntosh, together with other Scotch gentlemen."

Brought thus face to face with their very pressing danger, all more or less cast about them for some means of escape. Several desperate attempts were made to break prison. Thus on the 14th March it was discovered that several had tried to get out by breaking through the press-yard wall, "from which they were to be let down by a rope, instead of being tucked up by one at Tyburn." For this several were placed in irons. Some time later Mr. Forster got clean away,* as did Brigadier Macintosh and eight others. Mr. George Budden, formerly an upholsterer near Fleet bridge, also effected his escape; and last, but not least, Mr. Charles Radcliffe, Lord Derwentwater's brother. After Mr. Forster's escape the Government took greater precautions, and a lieutenant with thirty men of the Foot Guards was ordered to do constant duty at Newgate. Mr. Pitt, the keeper, was strongly suspected of collusion, and was attached

* See chap. vii. for this and other escapes.

on a charge of high treason, being after arrest committed to the custody of one Wilcox, a messenger, "who used him in a barbarous manner, contrary no doubt to the instruction of the noble lord that issued the warrant for his confinement." The city authorities, no doubt exercised at the insecurity of their gaol, also roused themselves "to look better after their prison of Newgate," and instead of leaving Mr. Rouse chief turnkey in charge of the whole place, specially appointed Mr. Carleton Smith, an officer of the Lord Mayor's, and with him Mr. Russell, to take care of the rebels in the press-yard. These new officials "performed their part so well," it is said, "by examining all the visitors, debarring entrance to all riding hoods, cloaks, and arms, and by sitting up all night in the prison, each in his turn, that not one man escaped from thence during their time."

The new keepers appear to have stirred up much animosity from their punctual discharge of their duties. Mr. Russell, we read, shortly after his appointment was very much abused and threatened by Captain Silk and some of the rebels, who surrounded him in the press-yard, but he made his retreat without any harm. There must have been some in the reigning monarch's service with secret sympathies for the Pretender; for it is recorded, May 14th, that "an officer of the guards with two others conversed with the rebels all day." They were, moreover, humoursome and abusive to the new keepers because of their care in looking after their

prisoners; whereof Messrs. Carleton Smith and Russell complained to the Lord Mayor, who thereupon ordered that no officer should be permitted to visit the prisoners without the express permission of the Secretary of State; and next day it is stated the officer in fault was "submissive and sorry for his offence." This was not the first offence of the kind. A few days before the officer of the guard went in (even then), "contrary to custom," with his sword on to see the prisoners. He continued with them for some hours, and whether heated with wine or otherwise, beat one of the turnkeys as he brought in a rebel from trial. This officer was placed in arrest, and another mounted guard in his place, who "prevented the drunkenness and other irregularities of the soldiers which might have given the prisoners an opportunity to escape."

Matters were not too comfortable for the military guard. The men at the gate were liable to insults as on the 19th May, when they were reviled by a Tory constable. They were also open to efforts to wean them from their allegiance. One day Mr. Carleton Smith detected a prisoner, Isaac Dalton,* in durance for libel, endeavouring to corrupt the sentinels by giving them money to drink the Pretender's health with. "But he missed his aim." The soldiers heartily drank to King George in wine supplied by Mr. Smith, and declared they would

* For this Dalton was convicted and fined fifty marks, with imprisonment for one year, also to find security for three more years.

oppose the Pretender to the last drop of their blood. All the guards were not equally loyal, however. On another occasion the soldiers of the guard "had the impudence to sing Captain Silk's dearly beloved tune, 'The king shall have his own again,' for which their officer, Captain Reeve, a very loyal gentleman, threatened them with imprisonment."

The peril of the prisoners bred a certain reckless turbulence among them. On the 29th May a mob collected in great numbers outside, carrying oaken boughs on pretence of commemorating the restoration. The guard was reinforced, lest the mob should attempt to break open the gaol. Inside the rebels were very noisy, and insulted their keepers; "but they were soon put out of a capacity of doing much harm, for by way of precaution they were all locked up before ten o'clock." This hour of early closing was continued, and greatly resented by them. A few days later they made a great disturbance at the sound of a bell set up by order of the Lord Mayor to ring them to their apartments at the regular hour. They asked for the order. It was read to them, to their manifest dissatisfaction, for it referred the recent escapes to the unaccountable liberty of indulgence permitted them, and insisted that upon the ringing of the bell in question all should betake themselves to their apartments. Ten was the hour of retiring "at farthest": any infringement of the rule would be followed by the deprivation of all freedom, and double irons for the offenders. Except Captain Silk, however,

all acquiesced in the order. He alone, "with his usual impudence, bullied the keeper, and made many unbecoming reflections upon the Lord Mayor and sheriffs." Nor did insubordination end here. A day or two later the Lord Mayor's notice, which had been posted up in the various press-yard rooms, was torn down by the rebels in contempt of authority.

A fresh and more serious riot soon occurred in the streets, on the occasion of the thanksgiving on the anniversary of Preston fight. Several visitors came to the rebels with rue and thyme in their hats and bosoms in contempt of the day; but the new keepers made bold to strip them of their badges and strew the floors with them, "as more worthy to be trodden underfoot than be worn by way of insult on that glorious day." About midnight brickbats were thrown from the neighbouring houses upon the soldiers on guard; and the guard in retaliation fired up at the places whence came the attack. Mr. Carleton Smith, whose turn it was to sit up, feared some attempt was being made to break the gaol, and "leaping out to know the occasion of the firing, searched several of the houses; in doing which he was like to have been shot by a ball which came up to the room where he was." But the loyalty of the rebels to their cause was not to be checked. It broke out again on the 10th June, the anniversary of the Pretender's birth. "Captain Booth, whose window looked into Phœnix Court, was so insolent as to put out a great bunch of white roses at his window," and several visitors of both sexes came

wearing the same rebellious badges. But again the keepers pulled them out and threw them on the floor.

In all these disturbances Captain Silk was a ring-leader. He is continually ready to make a noise. Now he swears revenge upon the keeper for not allowing supper to be carried in to him and his "conrogues" after 10 P.M.; now he incites other prisoners to riot. "They are for the most part very drunk and rude, so that it was with great difficulty that they were got to their rooms by one o'clock in the morning." Next day Captain Silk continues his insolence. He threatens Mr. Smith for refusing to pass in visitors after regulated hours. Again he and his companions are drunk and insolent, and cannot be got to their rooms till the same late hour. A night or two later they crowded about the doors when they were opened, cursing and assaulting the person who rang the night-bell. Captain Silk, as before, encouraged them, and to provoke them further, when the bell sounded cried out, "Get up, ye slaves, and go."

Sadder moments soon supervened. The trials were proceeding, and already the law had condemned several. Among the first to suffer were Colonel Oxborough and Mr. Gascoigne: the latter was offered his pardon on conditions which he rejected, and both began to make great preparations for "their great change." Colonel Oxborough, who lay in the condemned hold, behaved with an astonishing serenity of mind; and when his friends expressed their concern in tears, he gravely rebuked them, showing an easiness

very unaccustomed in the bravest minds under such a sentence. Next an order of the court came down for the execution of twenty-four more who had been condemned, and "universal sorrow" prevailed in the gaol. Parson Paul,* one of the number, was "so dejected he could not eat;" most of the other prisoners retired to their apartments to vent their grief, and a vast number of their friends in tears came to condole with them. After this all were busy with petitions to the court. Some were immediately successful. Handsome young Archibald Bolair was discharged, "at which Lady Faulconbridge, his supposed benefactress, went out with a smiling countenance." Next night he returned in his kilt to visit his friends, but was denied entrance. That same midnight there were great shouts of joy in the prison: a reprieve had come down for all but Parson Paul and Justice Hall,† both of whom were led next day to Tyburn. Neither would admit the ministrations of the Ordinary, to whom they "behaved rudely," and they were attended at the place of execution by priests of their own

* Parson Paul was the Rev. William Paul, M.A., vicar of Orton-on-the-Hill, in Leicestershire. He met the rebels at Preston, and performed service there, praying for the Pretender as King James the Third. When the royal troops invested Preston, Mr. Paul escaped "in coloured clothes, a long wig, a laced hat, and a sword by his side." He came to London, and was recognized in St. James's Park by a Leicestershire magistrate, who apprehended him, and he was committed to Newgate.

† One of the Halls of Otterburn, Northumberland, and a magistrate for the county. He joined the Pretender early, and was one of his most active and staunch supporters.

stamp in a lay habit. They (the condemned) were hardened to the highest degree, says their implacable opponent, and gave free vent to their treason in seditious speeches at the gallows.

Great consternation prevailed after these executions. It was greatly increased by the known displeasure of the Government at the demeanour of some of the condemned at Tyburn. But the king (George I.) was now gone on a visit to Hanover; and the Prince of Wales, as regent, was pleased to put an end to the further effusion of blood. Rumours of an Act of Indemnity were spread abroad, and abundance of visitors came to congratulate the prisoners on their approaching release. But the happy day being still postponed, the Jacobites became turbulent once more; Mr. Pitt, the old governor, who had been tried for neglect in allowing Mr. Forster and others to escape, had been acquitted, upon which the Lord Mayor and sheriffs recalled Messrs. Carleton Smith and Russell. The latter delivered up their charge, "having performed it so well that not one prisoner had escaped." But Mr. Pitt was again unfortunate; and suffering another man (Flint) to escape, the court of aldermen resolved to reinstate Smith and Russell. This gave great dudgeon to the rebels in the press-yard, who soon proved very refractory, refusing to be locked up at the proper time. Then they made bitter reflections on the advice given to the new keepers in the 'Flying Post,' a Whiggish organ, who were, as the author of the 'Secret History' observes

sarcastically, "so inhuman, that they would let none of the rebels make their escape, either in the habits of women, footmen, or parsons." It was difficult for the keepers not to give cause of offence. Their prisoners were angry with them because they would not sit down and drink with them, "as the old ones used to do;" even upon the bribe, offered when the indemnity loomed large, of swallowing a bumper to King George. Captain Silk was troublesome as ever. One Sunday he cursed and swore prodigiously because the doors had been shut during divine service, and his roaring companions could not have access to him. Another time the prisoners insulted the keepers, asking them why they carried arms? The Jacobites declared they could not endure the sight since the battle of Preston. Just about now the keepers were informed that the rebels intended to do them a mischief—a threat which did not deter them, however, from strictly performing their duty.

Another prisoner added greatly to the trials of the keepers about this period. This was Mr. Freeman, who was committed for firing a pistol in the play-house when the prince was there. Freeman was continually intoxicated when in gaol. He was also very mischievous, and kept a burning candle by him most part of the night, to the great danger of the prison, especially when in his mad freaks. "He is a lusty, strong, raw-boned man, has a stern, dogged look, as of an obstinate temper when vexed, but fawning and treacherous when pleased." In a day

or two Freeman showed the cloven foot. He flew into a violent passion, and beat one of the female servants of the prison, "shutting the door against the keepers, after he had wounded one of them with a fork which he held in one hand, having a knife and pistol in the other." He was overpowered, and carried to the condemned hold, where he was put in irons. His villainous designs there appeared by his setting his handkerchief on fire, and concealing it in his hat near his bed, and it was suspected that he wished to set the gaol on fire, so that the prisoners might have the opportunity to escape. A day later Mr. Freeman "regretted that he had not murdered his keeper in the last scuffle;" and the same day Mr. Menzies and Mr. Nairn did honestly tell the keepers that the prisoners meant to injure them, Freeman's disturbance having been raised "chiefly to that end, and that the female servant he only pretended to assault, so as to make her cry out murder before she was in the least hurt."

Royal clemency was still delayed, and the advancing summer was intensely hot. The close confinement of so many persons in a limited space began to tell seriously on the prisoners. A spotted fever,* which had before shown itself with evil effects, reappeared. It had proved fatal to Mr. Pitcairn the previous August, and in the winter Mr. Butler had died of the same. Now it carried off Mr. Kellet, Sir Francis Anderson's man. Mr. Thornton was also attacked,

* No doubt a form of the gaol fever.

but through the care of his doctors recovered. Next month (June) Mr. David Drummond died, and Mr. Ratcliffe was indisposed. It was generally feared that the distemper would become contagious; whereupon some of the principal inmates, among them Mr. Ratcliffe, the two Mr. Widdingtons, Mr. Murray, and Mr. Seaton, "who is styled by them the Earl of Dumferline," petitioned the Prince Regent and council for enlargement to more commodious prisons. The king's physicians were accordingly despatched to the prison to inquire into its sanitary condition. Their report was that no contagious distemper existed. The matter was therefore ordered to stand until his Majesty's pleasure should be known at his arrival from Hanover. George I. soon afterwards returned, and signified his orders for an Act of Grace, which duly passed both Houses of Parliament.

The news of an amnesty was joyfully received in the press-yard. One of the first acts of the prisoners so soon to be set free was to get in a poor fiddler, "whom they set to play tunes adapted to their treasonable ballads; . . . . but this was so shocking to the keepers that they turned the fiddler out." Next the prisoners had a badger brought in, and baited him with dogs. Other already pardoned rebels came and paid ceremonious visits, such as Mr. Townley, who appeared with much pomp and splendour after his discharge from the Marshalsea. Several clergymen also visited; and a noted common council man, whose friends stood a bowl of punch that night in Captain

Silk's room. The State prisoners were soon "very busy in getting new rigging, and sending away their boxes and trunks; so that they looked like so many people removing from their lodgings and houses on quarter-day." On July 4th a member of Parliament came to assure Mr. Grierson that the Act of Indemnity would surely pass in a few days. This occasioned great joy. A fortnight later the pardon was promulgated, and all the prisoners remaining were taken to Westminster to plead the Act, "where many were so very ungrateful that they refused to kneel or speak out in asking the king's pardon till they were forced to it."*

According to this last-quoted writer, the rebels in Newgate were not of exemplary character. "Their daily practice in prison was profane swearing, drunkenness, gluttony, gaming, and lasciviousness." That such was permitted speaks volumes as to the shameful negligence of prison rule in those unsettled times.

There were other rebel prisoners, who do not seem to have benefited by this act of grace, and who remained much longer in prison. It is recorded in the 'Weekly Journal' of January 24th, 1727, that the King (George I.) had pardoned another batch of Jacobites, who had been capitally convicted in the first year of his reign for levying war against him. The pardoned traitors were Robert Stuart, of Appin; Alexander Macdonald, of Glencoe; Grant,

* 'Secret History.'

of Glenmorrison ; Maclimmin, of that Ilk ; Mackenzie, of Fairburn ; Mackenzie, of Dachmalnack ; Chisholm, of Shatglass ; Mackenzie, of Ballumakie ; MacDougal, of Lorne ; and two others, more notable than all the rest, "James, commonly called Lord, Ogilvie," and "Robert Campbell, *alias* Macgregor, commonly called Rob Roy." They had been under durance in London, for it is added that "on Tuesday last they were carried from *Newgate* to *Gravesend*, to be put on ship-board for transportation to Barbadoes." Rob Roy marching handcuffed to Lord Ogilvie through the London streets from Newgate to the prison barge at Blackfriars, and thence to Gravesend, is an incident that has escaped the notice of Walter Scott, and all of Rob's biographers. The barge-load of Highland chiefs, and of some thieves, seems, however, to have been pardoned, and allowed to return home.

Before leaving the press-yard some reference must be made to certain political "suspects" who were lodged therein for terms varying from nineteen to forty years. Their case is remarkable, as being the last instance of the suspension of the Habeas Corpus Act in England, with the full knowledge and sanction of Parliament, and in spite of repeated strongly-urged petitions from the prisoners for release. Their names were John Bernardi, Robert Cassilis, Robert Meldrum, Robert Blackburne, and James Chambers. Of these, the first-named, Major Bernardi, is the old officer referred to by the writer of the 'History of the Press-Yard.' *

* See *ante*, p. 203.

Bernardi has told his own story in a volume penned in Newgate, and "printed by J. Newcomb, in the Strand, for the benefit of the author, 1729." Macaulay is disposed to discredit the version given by Bernardi, although there is a certain air of truthfulness in the prisoner's narrative. Bernardi begins at the beginning He was of Italian extraction, he tells us. His ancestors had been in the diplomatic service. Count Philip de Bernardi, his great-grandfather, came to England with a Genoese embassy. Francis Bernardi, son of the former, and father of Major John, was also accredited to Charles II. on the restoration, but when replaced as resident, being English born, he preferred to live and die in the land of his birth. According to his son, he was a stern parent, ready to award him penal treatment, with imprisonment for trifles, "in a little dark room or dungeon allowing him only bread and small beer when so confined." By-and-by John ran away from home, and through the favour of Lady Fisher was employed as a "listed soldier" in a company at Portsmouth when barely fifteen years of age. A year or two later his god-father, Colonel Anselme, took him to the Low Countries, where by gallant conduct in the wars he gained an ensigncy from the Prince of Orange. At the siege of Maestrict he lost an eye, and was badly wounded in the arm. When scarcely twenty he was promoted to a lieutenancy, and eight years later obtained a company in Colonel Monk's regiment. He was now, by his own account, arrived "at a high pitch of fortune." He was a captain at twenty-seven

in an established service, was personally well known to the Prince of Orange (afterwards William III.), had married well, and was, with his wife's fortune, in the receipt of "a considerable income."

James II., on coming to the throne, summoned home all English officers in the service of the States. Among the few who obeyed was Major Bernardi, and he then gave up, as he says, a certainty for an uncertainty. Very soon his former chief, the Prince of Orange, replaced James upon the throne, and Bernardi, unfortunately for himself, thereafter espoused the wrong side. He refused to sign the "association put about by General Kirk," under which all officers bound themselves to stand by William "against all persons whomsoever," and proceeded to France to throw in his lot with the exiled king. When James embarked for Ireland, Bernardi followed in command of a party of newly-organized adherents. He was at several of the engagements in that island, and was presently commissioned Major. After that he went to the Highlands with Seaforth Mackenzie on a special mission, and on his return had the honour of dining at the same table with the king. A second mission to Scotland followed, after which Bernardi made his way south, and escaping great perils by the way, reached London, meaning, when he had disposed of horses and effects, to cross over to Flanders. At Colchester, however, from which he hoped to reach easily a port of embarkation, he was seized and committed on suspicion, first to the town gaol, then to that of

Chelmsford. After being much harassed he at length obtained his release, only to be soon involved in still greater trouble.

To his great misfortune he now fell in with one Captain Rookwood. It was about the time of the discovery of the assassination plot, of which Major Bernardi declares that he was in absolute ignorance till he heard of it like the rest of the world. He was by chance in the company of Captain Rookwood at a tavern, and was with him arrested on suspicion of being "evil-minded men." While in the Compter Rookwood incautiously revealed his own identity, and was lost. Rookwood seems at the same time to have unintentionally betrayed Bernardi, whose name had, it appears, and in spite of his protestations of perfect innocence, been included in a proclamation. The inference is that the Government was in the possession of certain information that Bernardi was mixed up in the plot.* Both men were carried before the Council, and committed close prisoners to Newgate, "loaded with heavy irons, and put into separate dismal, dark, and stinking apartments." Rookwood was speedily condemned and executed at Tyburn. Bernardi remained in prison without trial, until after Sir John Fenwick had suffered. Then with his fellow-prisoners he was taken to the Old Bailey to be bailed out, but at the instance of the Treasury solicitor, who

* According to the deposition of Harris the informer, Bernardi came with Rookwood to London on purpose to meet Barclay the chief conspirator.

"whispered the Judges upon the Bench," they were relegated to Newgate, and a special Act passed rapidly through the House to keep them for another twelvemonth on the plea of waiting for further evidence against them. A second Act was passed prolonging the imprisonment for another year; then a third, to confine them during the king's pleasure. On the death of the king (William III.), a fresh Act extended the imprisonment during the reign of Queen Anne. During this long lapse of time repeated applications were made to Judges, but the release of the prisoners was always bitterly opposed by the law officers. Bernardi's doctors certified that imprisonment was killing him; he suffered from fits and the constant trouble of an old wound. Nevertheless he lived on; and when in his sixty-eighth year he married, in Newgate, a second, virtuous, kind, and loving wife, who proved "a true help-meet," supporting him by her good management, and keeping his heart from breaking in the "English Bastille." Bernardi had ten children born in Newgate of this second wife. The imprisonment continued through the reigns of George I. and II. Frequent petitions were unheeded, and finally Bernardi died in Newgate in 1736, the last survivor, after forty years' incarceration, and aged eighty-two.

CHAPTER VI.

EXECUTIONS.

Reasons for legal punishments—Early forms: branding, mutilation, whipping, the pillory, and stocks—Penalties for females: the ducking-stool, branks, and scourge—Capital punishment universal—Methods of inflicting death—Awful cruelties—The English custom—Pressing to death—Major Strangways—Spiggot and Burnworth—Abolition of this punishment—Decapitation and strangulation—The guillotine and gallows—Places of execution in London: Smithfield, St. Giles, Tower Hill, Tyburn—Derivation of Tyburn—Site of Tyburn gallows—Tyburn a generic title—An execution in 1662: that of Colonel Turner—Crowds at executions—Fashionable folk attend—George Selwyn—Breakfast party at Newgate—Ribald conduct of the mob at executions—That of Earl Ferrers and of Sheppard—Demeanour of condemned: effrontery, or abject terror—Improper customs long retained—St. Giles' Bowl—Saddler of Bawtry—Smoking at Tyburn—Spiritual attentions of Ordinary not always devoted—Amateur preachers and others assist—Richard Dove's bequest—The hangman and his office—Resuscitation—Early cases—Sir William Petty's operation—Tyburn procession continues—Supported by Dr. Johnson—Sheriffs suggest discontinuance—Their reasons—The front of Newgate substituted as the scene of execution.

The universal instinct of self-preservation underlies the whole theory of legal punishments. Society, since men congregated together, has claimed through its

rulers to inflict penalties upon those who have broken the laws framed for the protection of all. These penalties have varied greatly in all ages and in all times. They have been based on different principles. Many, especially in ruder and earlier times, have been conceived in a vindictive spirit; others, notably those of the Mosaic law, were retaliatory, or aimed at restitution. All, more or less, were intended also to deter from crime. The criminal had generally to pay in his person or his goods. He was either subjected to physical pain applied in degrading, often ferociously cruel ways, and endured mutilation, or was branded, tortured, put to death; he was mulcted in fines, deprived of liberty, or adjudged as a slave to indemnify by manual labour those whom he had wronged. Imprisonment as practised in modern times has followed from the last-named class of punishments. Although affecting the individual, and in many of its phases with brutal and reckless disregard for human suffering, it can hardly be styled a purely personal punishment, upon which I propose now more particularly to treat, and the present chapter will deal only with penalties corporeal.

Taking first the punishments which fell short of death, those most common in this country until comparatively recent times, were branding, mutilation, dismemberment, whipping, and degrading public exposure. Branding was often carried out with circumstances of atrocious barbarity. Vagabonds were marked with the letter V, idlers and masterless men with the

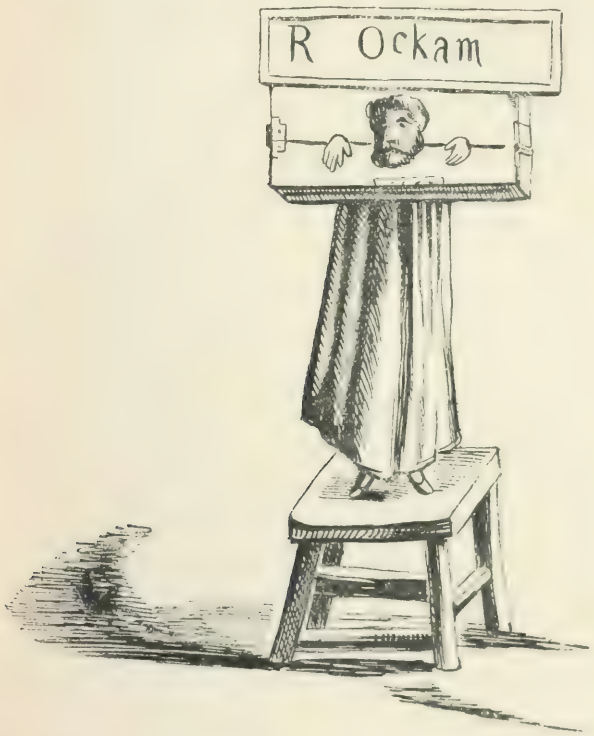
letter S, betokening a condemnation to slavery; any church brawler lost his ears, and for a second offence might be branded with the letter F, as a fraymaker and fighter. Sometimes the penalty was to bore a hole of the compass of an inch through the gristle of the right ear. Branding was the commutation of a capital sentence on clerk convicts, or persons allowed benefit of clergy, and it was inflicted upon the brawn of the left thumb, the letter M being used in murder cases, the letter T in others. In the reign of William and Mary, when the privilege of benefit of clergy was found to be greatly abused, an Act was passed, by which the culprit was branded or "burnt in the most visible part of the left cheek nearest the nose." Mutilation was an ancient Saxon punishment, no doubt perpetuating the Mosaic law of retaliation which claimed an eye for an eye, a tooth for a tooth, a limb for a limb. William the Conqueror adopted it in his penal code. It was long put in force against those who broke the forestry laws, coiners, thieves, and such as failed to prove their innocence by ordeal. Although almost abandoned by the end of the sixteenth century, the penalty of mutilation, extending to the loss of the right hand, still continued to be punishment for murder and bloodshed within the limits of a royal residence. The most elaborate ceremonial was observed. All the hierarchy of court officials attended; there was the sergeant of the woodyard, the master cook to hand the dressing-knife, the sergeant of the poultry, the yeoman of the

scullery with a fire of coals, the sergeant farrier who heated and delivered the searing irons, which were applied by the chief surgeon after the dismemberment had been effected. Vinegar, basin, and cloths were handed to the operator by the groom of the salcery, the sergeant of the ewry, and the yeoman of the chandrey. "After the hand had been struck off and the stump seared, the sergeant of the pantry offered bread, and the sergeant of the cellar a pot of red wine, of which the sufferer was to partake with what appetite he might." * Readers of Sir Walter Scott will remember how Nigel Olifaunt, in the 'Fortunes of Nigel,' was threatened with the loss of his hand for having committed a breach of privilege in the palace of Greenwich and its precincts. Pistols are found on his person when he accidentally meets and accosts James I. For the offence he may be prosecuted; so Sir Mungo Malagrowther complacently informs him, *usque ad mutilationem* even to dismemberation. The occasion serves the garrulous knight to refer to a recent performance, "a pretty pageant when Stubbs the Puritan was sentenced to mutilation for writing and publishing a seditious pamphlet against Elizabeth. With Stubbs, Page the publisher also suffered. They lost their right hands," the wrist being divided by a cleaver driven through the joint by the force of a mallet. "I remember," says the historian Camden,† "being then present,

* Pike, 'Hist. of Crime,' ii. 83.

† Camden's 'Annals of the Year 1581.'

that Stubbs, when his right hand was cut off, plucked off his hat with his left, and said with a loud voice, 'God save the Queen.' The multitude standing about was deeply silent, either out of horror of this new and unwonted kind of punishment, or out of com-



miseration towards the man. . . ." The process of mutilation was at times left to the agonized action of the culprit: as in the brutal case of one Penedo, who in 1570, for counterfeiting the seal of the Court of Queen's Bench, was twice put in the pillory on

market-day in Cheapside. The first day one of his ears was to be nailed to the pillory in such a manner that he should be compelled "by his own proper motion" to tear it away; and on the second day he was to lose his other ear in the same cruel fashion. William Prynne, it will be remembered, also lost his ears on the pillory, but at the hands of the executioner. The Earl of Dorset, in giving the sentence of the Star Chamber Court, asked his fellow-judges "whether he should burn him in the forehead, or slit him in the nose? . . . I should be loth he should escape with his ears; . . . therefore I would have him branded in the forehead, slit in the nose, and his ears cropt too." Having suffered all this on the pillory, he was again punished three years later, when he lost the remainder of his ears, and was branded with the letters S. L. (seditious libeller) on each cheek. Dr. Bastwick and others were similarly treated.* Prynne was a voluminous writer, and is said to have produced some two hundred volumes in all. A contemporary, who saw him in the pillory at Cheapside, says "they burnt his huge volumes under his nose, which almost suffocated him."

Although mutilations and floggings were frequently carried out at the pillory, that well-known machine was primarily intended as a means of painful and degrading exposure, and not for the infliction of

* Dr. Bastwick's daughter, Mrs. Poe, after his ears were cut off, called for them, put them in a clean handkerchief, and carried them away with her.

physical torture. The pillory is said to have existed in this country before the Norman Conquest, and it probably dates from times much more remote. The στηλη of the Greeks, the pillar on which offenders were publicly exhibited, seems to have been akin to the pillory, just as the κυφων, or wooden collar, was the prototype of the French *carcan* or iron circlet which was riveted around the culprit's neck, and attached by a chain to the post or pillory. With us the pillory or "stretch neck" was at first applied only to fraudulent traders, perjurers, forgers, and so forth; but as years passed it came to be more exclusively the punishment of those guilty of infamous crimes, amongst whom were long included rash writers who dared to express their opinions too freely before the days of freedom of the press. Besides Prynne, Leighton, Burton, Warton, and Bastwick, intrepid John Lilburne so suffered, under the Star Chamber decree, which prohibited the printing of any book without a license from the Archbishop of Canterbury, the Bishop of London, or the authorities of the two universities. Daniel Defoe again, who was pilloried in 1703 for his pamphlet, 'The Shortest Way with the Dissenters.' Defoe gave himself up, and was pilloried first in Cheapside, and afterwards in the Temple. The mob so completely sympathized with him, that they covered him with flowers, drank his health, and sang his 'Ode to the Pillory' in chorus. Dr. Shebbeare was pilloried in 1759, for his 'Letters to the People of England.' But he found a friend

in the under-sheriff, Mr. Beardmore, who took him to the place of penitence, in a state-coach, and allowed a footman in rich livery to hold an umbrella over the doctor's head, as he stood in the pillory. Beardmore was afterwards arraigned for neglect of duty, found guilty, and sentenced to fine and imprisonment.

In 1765, Williams the publisher, who reprinted Wilkes' 'North Briton,' stood in the pillory in Palace Yard for an hour. For the moment he became popular. He arrived in a hackney-coach numbered 45,* attended by a vast crowd. He was cheered vociferously as he mounted the pillory with a sprig of laurel in each hand; and a gentleman present made a collection of two hundred guineas for him in a purple purse adorned with orange ribbons. In front of the pillory the mob erected a gallows, and hung on it a boot, with other emblems, intended to gibbet the unpopular minister Lord Bute. Williams was conducted from the pillory amid renewed acclamations, and the excitement lasted for some days. Lampoons and caricatures were widely circulated. Several street ballads were also composed, one of which began:

* No. 45 of the 'North Briton' charged the king with falsehood, and was the basis of the prosecutions; 45 became in consequence a popular number with the patriots. Tradesmen called their goods "forty-five"; and snuff so styled was still sold in Fleet Street only a few years ago. Horne Tooke declares that the Prince of Wales aggravated his august father, when the latter was flogging him, by shouting "Wilkes and 45 for ever!"

"Ye sons of Wilkes and Liberty,
Who hate despotic sway,
The glorious Forty-Five now crowns
This memorable day.
And to New Palace Yard let us go, let us go."

Lord Dundonald in 1814 was actually sentenced to the pillory, but the Government shrank from inflicting the punishment upon that much wronged naval hero. The pillory ceased to be a punishment, except for perjury, in 1815, but was not finally abolished until 1837, and as late as 1830 one Dr. Bossy suffered on it for perjury.

The earliest form of pillory was simply a post erected in a cross-road by the lord of the manor, as a mark of his seigneury.* It bore his arms, and on it was a collar, the *carcan* already mentioned, by which culprits were secured. This was in course of time developed, and the pillory became a cross-piece of wood fixed like a sign-board at the top of a pole, and placed upon an elevated platform. In this cross were three holes, one for the head, the other two for the wrists. The cross-piece was in two halves, the upper turning on a hinge to admit the culprit's head and hands, and closed with a padlock when the operation of insertion was completed. A more elaborate affair, capable of accommodating a number of persons, is figured in mediæval woodcuts, but this sort of pillory does not appear to have been very generally used. The curious

* Lords of Leet were obliged to keep up a pillory or tumbrel, on pain of forfeiture of the leet; and villages might also be compelled to provide them.

observer may still see specimens in England of this well-known instrument of penal discipline, one is preserved in the parish church of Rye, Sussex, another is in the museum at Brighton.

The stocks served like the pillory to hold up offenders to public infamy. The first authentic mention of them is in a statute of Edward III., by which they were to be applied to unruly labourers. Soon after this they were established by law in every village, often near the parish church. They were the punishment for brawling, drunkenness, vagrancy, and all disorderly conduct. Wood-stealers or "hedge-tearers" were set in the stocks about the year 1584 for a couple of days with the stolen wood in front of them. The story goes that Cardinal Wolsey, when a young parish priest, was put in the stocks at Lymington by Sir Amyas Poulett, for having exceeded at a village feast. The old chap's books contain numerous references to the stocks of course. Welch Taffy, "the unfortunate traveller," was put into the stocks for calling a justice of the peace a "boobie;" and "Simple Simon," when he interfered in a butter-woman's quarrel, was adjudged to be drunk and put into the stocks between the two viragoes, who scolded him all the time. The story of Lord Camden when a young barrister having a desire to try the stocks, and his being left in them by an absent-minded friend for the greater part of the day, is probably well known. The stocks were not wholly abolished till a few years

ago.* The Stokesley stocks were used within thirty years of the present time, and as late as 1860 one John Gambles of Stanningly was sentenced to sit in the stocks for six hours for Sunday gambling, and actually endured his punishment.† Stocks are still to be seen at Heath near Wakefield, Painswick in Gloucestershire, and other places. In all cases the physical discomfort of the stocks no less than that of the pillory, was generally aggravated by the rude horseplay of a jeering and actively offensive mob. A reference to the inconvenient attentions of the by-standers at such an exhibition will be found in an old chapbook, entitled 'The True Trial of the Understanding,' in which among other riddles the following is given:

> Promotion lately was bestowed
> Upon a person mean and small:
> Then many persons to him flowed,
> Yet he returned no thanks at all.
> But yet their hands were ready still
> To help him with their kind good will.

The answer is, a man pelted in the pillory.

Worse sometimes happened, and in several cases death ensued from ill-usage in the pillory. Thus when John Waller, *alias* Trevor, was pilloried in 1732, in Seven Dials, for falsely accusing innocent men,

* The last stocks in London were those of St. Clement's Dane's in Portugal Street, which were removed in 1826, to make way for local improvements.—Wade, 'British Chronology.'

† 'Punishments in the Olden Time,' by William Andrews, F.R.H.S., to which I am indebted for many of my facts.

so as to obtain the reward given on the conviction of highwaymen, so great was the indignation of the populace that they pelted him to death. The coroner's inquest returned a verdict of wilful murder, but against persons unknown. In 1763 a man who stood in the pillory at Bow, for an unnatural crime, was killed by the mob. Ann Marrow, who had been guilty of the strange offence of disguising herself as a man, and as such marrying three different women, was sentenced to three months' imprisonment, and exposure on the pillory, at Charing Cross. So great was the resentment on the populace, principally those of the female sex, that they pelted her till they put out both her eyes.*

No account of the minor physical punishments formerly inflicted would be complete without reference to the methods of coercing ill-conditioned females. These were mostly of the same character as the pillory and stocks. Chief among them was the Ducking or Cucking-stool, "a scourge for scolds," and once as common in every parish as the stocks. Other varieties of it were known under the names of Tumbrell, the Gumstole, the Triback, the Trebucket, and the Reive. It may be described briefly as consisting of a chair or seat fixed at the end of a long plank, which revolved on a pivot, and

* This was not an uncommon offence. One Mary Hamilton was married fourteen times to members of her own sex. A more inveterate, but a more natural, bigamist was a man named Miller, who was pilloried, in 1790, for having married thirty different women on purpose to plunder them.

by some simple application of leverage upset the occupant of the chair into a pond or stream. Mr. Cole, 1782, describes one which was hung to a beam in the middle of a bridge; the Leominster stool which is still preserved is a plank upon a low substantial framework, having the seat at one end, and working like an ordinary see-saw. That at Wooton Basset was of the tumbrell order, and was a framework on a pair of wheels, with shafts at one end, the stool being at the other. In this, as in the Leicester "scolding cart," and other forms of tumbrels, the culprit was paraded through the town before immersion. The punishment was primarily intended for scolds, shrews, and "curst queens," but it was also applied to female brewers and bakers who brewed bad ale, and sold bad bread. It was inflicted pursuant to sentence in open court, but in some parts the bailiffs had the power within their own jurisdictions, and the right of gallows, tumbrell, and pillory was often claimed by lords of the Manor. The greatest antiquity is claimed for this sort of punishment. Bowine declares that it was used by the Saxons, by whom it was called "Cathedra in qua rixosæ mulieres sedentes aquæ demergebantur." No doubt the ducking was often roughly and cruelly carried out. We have in the frontispiece of an old chapbook, which relates how "an old woman was drowned in Ratcliffe highway," a pictorial representation of the ceremony of ducking, and it is stated that she met her death by being dipped too

often or too long. That the instrument was in general use through the kingdom is proved by numerous entries in ancient records. Thus Lysons, in his 'Environs of London,' states that at a court of the Manor of Edgware in 1552 the inhabitants were presented for not having a tumbril and a ducking-stool as laid down by law. In the Leominster town records the bailiff and chamberlains are repeatedly brought up and fined either for not providing "gumstoles" or not properly repairing them, while in the same and other records are numerous statements of bills paid to carpenters for making or mending these instruments. The use of them moreover was continued to very recent times. A woman was ducked under Kingston Bridge for scolding in 1745. At Manchester, Liverpool, and other Lancashire towns the stool was in use till the commencement of this century. So it was at Scarborough, where the offender was dipped into the water from the end of the old pier. But the latest inflictions seemingly were at Leominster, where in 1809 a woman named Jenny Pipes was paraded and ducked near Kerwater Bridge, while another Sarah Leeke was wheeled round the town in 1817, but not ducked, the water being too low.

The ducking-stool was not always an effectual punishment. It appears from the records of the King's Bench that in the year 1681 Mrs. Finch, a notorious scold, who had been thrice ducked for scolding, was a fourth time sentenced for the same offence, and sentenced to be fined and imprisoned. Other

measures were occasionally taken which were deemed safer, but which were hardly less cruel. The "branks," or bridle, for gossips and scolds, was often preferred to the ducking-stool, which endangered the health, and moreover gave the culprit's tongue free play between each dip. The branks was a species of iron mask, with a gag so contrived as to enter the mouth and forcibly hold down the unruly member. "It consisted of a kind of crown or framework of iron, which was locked upon the head and was armed in front with a gag,—a plate or a sharp-cutting knife or point."* Various specimens of this barbarous instrument are still extant in local museums, that in the Ashmolean at Oxford being especially noticeable, as well as that preserved in Doddington Park, Lincolnshire. The branks are said to have been the invention of agents of the Spanish Inquisition, and to have been imported into this country from the Low Countries, whither it had travelled from Spain.

The brutality of the stronger and governing to the weaker and subject sex was not limited to the ducking-stool and branks. It must be remembered with shame in this more humane age† that little more than a hundred years ago women were publicly whipped at the whipping-post by the stocks, or at any cart's tail. The fierce statute against vagrants of Henry VIII.'s and

* The 'Reliquary,' edited by Llewellyn Jewitt, F.S.A.

† On the first introduction of the treadwheel in the early decades of the present century, its use was not restricted to males, and women were often made to suffer this punishment.

Elizabeth's reign made no distinction of sex, and their ferocious provisions to the effect that offenders "should be stripped naked from the middle upwards, and whipped till the body should be bloody," long continued in force. Men with their wives and children were flogged publicly, and sometimes by the order of the clergyman of the parish. Girls of twelve and thirteen, aged women of sixty, all suffered alike; women "distracted," in other words out of their minds, were arrested and lashed; so were those that had the small pox, and all who walked about the country and begged.* The constable's charge for whipping was fourpence, but the sum was increased latterly to a shilling. The whipping-post was often erected in combination with the stocks. A couple of iron clasps were fixed to the upright which supported the stocks, to take the culprit's hands and hold him securely while he was being lashed. A modification of this plan has long been used at Newgate for the infliction of corporal punishment, and it may still be seen in the old ward at the back of the middle yard.

Ferocious as were most of the methods I have detailed of dealing with offenders against the law, they generally, except by accident, fell short of death. Yet were there innumerable cases in those uncompromising and unenlightened ages in which death alone would be deemed equal to the offences. Rulers might be excused perhaps if they were satisfied with nothing less than a criminal's blood. As Maine

* Whipping females was not abolished till 1817.

IN THE ROYAL CHAMBER.

says,* "The punishment of death is a necessity of society in certain stages of the civilizing process. There is a time when an attempt to dispense with it baulks two of the great instincts which lie at the root of all penal law. Without it the community neither feels that it is sufficiently revenged on the criminal, nor thinks that the example of his punishment is adequate to deter others from imitating him." Hence all penal legislation in the past included some form of inflicting the death sentence. These have differed in all ages and in all climes: about some there was a brutal simplicity; others have been marked by great inventiveness, great ingenuity, much refinement of cruelty. Offenders have been stoned, beaten, starved to death; they have been flayed alive, buried alive, cast headlong from heights, torn to pieces by wild animals, broken on the wheel, crucified, impaled, burnt, boiled, beheaded, strangled, drowned. They have been killed outright or by inches, enduring horrible agonies;† after death their bodies have been dismembered and disembowelled, as a mark of degradation. Irresponsible tyrants went further than lawgivers in devising pains. The Sultan Mechmed cut men in the middle, through the diaphragm, thus causing them to die two deaths at once. It is told of Crœsus that he caused a person

* 'Ancient Law.'

† Bernardo Visconti, Duke of Milan, in the 14th century, made a capital punishment, or more exactly the act of killing, last for forty days.

who had offended him to be scratched to death by a friller's carding-combs. What the Vaivod of Transylvania did to the Polish leader, George Jechel, may be read in the pages of Montaigne. The frightful barbarity to which he and his followers were subjected need not be repeated here.

The tender mercies of continental nations towards criminals may be realized by a reference to one or two of their contrivances for the infliction of death. The Iron Coffin of Lissa, for example, wherein the convicted person lay for days awaiting death from the fell pressure of the heavily-weighted lid, which slid down slowly, almost imperceptibly, upon his helpless frame; or the Virgin of Baden Baden, the brazen statue whose kiss meant death with frightful tortures, the unhappy culprit being commanded to prostrate himself and kiss the statue, but as he raised his lips a trap door opened at his feet, and he fell through on to a spiked wheel, which was set in motion by his fall. There was the *chambre à crucer*, a short hollow chest lined with sharp stones, in which the victim was packed and buried alive; or the "bernicles," a mattrass which clutched the sufferer tight, while his legs were broken by heavy logs of wood; or the long lingering death in the iron cages of Louis XI., the occupant of which could neither sit, stand, or lie down. Again, the devilish tortures inflicted upon the murderers Ravaillac and Damiens caused a shudder throughout Europe. Ravaillac was burnt piecemeal, flesh was

torn from him by red-hot pincers, scalding oil and molten lead were poured upon his bleeding wounds, he was drawn and dismembered by horses while still alive, and only received his *coup de grace* from the sticks and knives of the hellish bystanders, who rushed in to finish more savagely what the executioner had been unable to complete. As for Damiens, the process followed was identical, but the details preserved of an event nearer our own time are more precise and revolting. He was fastened down upon a platform by iron gyves, one across his breast, the other just above his thighs; his right hand was then burnt with brimstone, he was pinched with red-hot pincers, after which boiling oil, molten wax, rosin, and lead were poured upon his wounds. His limbs were next tightly tied with cords, a long and protracted operation, during which he must have suffered renewed and exquisite torture; four stout, young, and vigorous horses were attached to the cords, and an attempt made to tear his limbs asunder, but only with the result of "extending his joints to a prodigious length," and it was necessary to second the efforts of the horses by cutting the principal sinews of the sufferer. Soon after this the victim expired. Then his body was burnt and the ashes scattered to the winds.

In this country the simpler forms of executions have generally obtained. The stake was no doubt in frequent use at certain periods for particular offences, but the axe and the rope were long the most

common instruments of despatch. Death was otherwise inflicted, however. Drowning is mentioned by Stowe as the fate of pirates, and a horrible method of carrying out capital punishment remained in force until 1772. Pressing to death, or the *peine forte et dure*, was a development of the ancient prison *forte et dure* the punishment of those who refused "to stand to the law;" in other words, stood mute, and refused to plead to a charge. Until the reign of Henry IV. such persons were condemned to penance and perpetual imprisonment, but the penance meant confinement in a narrow cell and absolute starvation.* Some evaded the dread consequences, and therefore a more awful form of torture was introduced with the object of compelling the silent to speak. An accused person who persistently stood mute was solemnly warned three times of the penalty that waited on his obstinacy, and given a few hours for consideration. If the prisoner continued contumacious, the following sentence was passed upon him, or her:

"That you be taken back to the prison whence you came to a low dungeon, into which no light can enter; that you be laid on your back on the bare floor with a cloth round your loins, but elsewhere naked; that there be set upon your body a weight of iron as great as you can bear—and greater; that you have no sustenance, save on the first day three morsels of the coarsest bread, on the second day three draughts of stagnant water from the pool

* Pike, 'Hist. of Crime,' i. 210.

nearest to the prison door, on the third day again three morsels of bread as before, and such bread and such water alternately from day to day till you die."

The press was a form of torture with this difference that, when once applied, there was seldom any escape from it. The practice of tying the thumbs with whipcord was another form of torture inflicted to oblige an accused person to plead, and in force as late as the reign of Queen Anne.

Regarding the *peine forte et dure* Holinshed says, that when accused felons stood mute of malice on arraignment they were pressed to death "by heavy weights laid upon a board that lieth over their breasts and a sharp stone under their backs, and these commonly hold their peace thereby to save their goods unto their wives and children, which if they were condemned should be confiscated to the prince." There are continual references to the *peine forte et dure* in the legal records throughout the fifteenth to the seventeenth centuries. In 1605 Walter Calverly, Esq., of Calverly in Yorkshire, who was arraigned for the murder of his wife and two children, stood mute, and was pressed to death in York Castle. Another notable instance of the application of this fearful punishment was in the case of Major Strangways, who was arraigned in February 1657-8 for the murder of his brother-in-law Mr. Fussell. He refused to plead unless he was assured that if condemned he might be shot as his brother-in-law had been. In addition he said that he wished

to preserve his estate from confiscation. Chief Justice Glyn reasoned with him at length, but could not alter his decision, and he was duly sentenced to the *peine forte et dure*. The sentence ran that he was to be put into a mean room where no light could enter, and where he was to be laid upon his back with his body bare; his legs and arms were to be stretched out with cords, and then iron and stone were to be laid upon him "as much as he could bear—and more;" his food the first day was to be three morsels of barley bread, and on the second day he was "to drink thrice of water in the channel next to the prison, but no spring or fountain water —and this shall be his punishment till he dies."

Strangways suffered in Newgate. He was attended to the last by five pious divines, and spent much of his time in prayer. On the day of execution he appeared all in white "waistcoat, stockings, drawers, and cap, over which was cast a long mourning-cloak," and so was "guarded down to a dungeon in the press-yard, the dismal place of execution." On his giving the appointed signal, "his mournful attendants performed their dreadful task. They soon perceived that the weight they laid on was not sufficient to put him suddenly out of pain, so several of them added their own weight, that they might sooner release his soul." He endured great agonies. His groans were "loud and doleful," and it was eight or ten minutes before he died. After death his body was exposed to view, and it was seen that an angle

Wm. SPIGGOT under pressure in NEWGATE
for not pleading to his Indictment

of the press had been purposely placed over his heart, so that he might the sooner be deprived of life, "though he was denied what is usual in these cases, to have a sharp piece of timber under his back to hasten execution."

In 1721, Nathaniel Hawes, who had come to be what we should call now-a-days an habitual criminal, and who had been frequently in Newgate, took to the road. After various successful adventures, he stopped a gentleman on Finchley Common, who was more than his match and made him prisoner. He was conveyed to London and committed to Newgate. When brought to the bar of the Old Bailey he refused to plead, giving as his reason that he meant to die as he had lived, like a gentleman. When he was seized, he said he had on a fine suit of clothes, which he intended to have gone to the gallows in, but they had been taken from him. "Unless they are returned, I will not plead," he went on, "for no one shall say that I was hanged in a dirty shirt and a ragged coat." He was warned what would be the consequences of his contempt of the law, but he obstinately persevered, and was accordingly sentenced to the press. He bore a weight of 250 lbs. for about seven minutes, and then gave in, being unable any longer to bear the pain. On return to Court he pleaded "Not Guilty," but was convicted and sentenced to death. Hawes declared to the last that he was one of Jonathan Wild's victims.

Two years later, William Spiggot and Thomas Phillips, arraigned for highway robbery, refused to

plead, and were also sentenced to the press. Phillips, on coming into the press-yard, was affrighted by the apparatus, and begged that he might be taken back to Court to plead, "a favour that was granted him; it might have been denied to him." Spiggot, however, remained obdurate, and was put under the press, where he continued half an hour with a weight to the amount of 350 lbs. on his body; "but, on addition of the 50 lbs. more, he likewise begged to plead." Both were then convicted and hanged in the ordinary course of law. Again, Edward Burnworth, the captain of a gang of murderers and robbers which rose into notoriety on the downfall of Wild, was sentenced to the press at Kingston in 1726, by Lord Chief Justice Raymond and Judge Denton. He bore the weight of 1 cwt. 3 qrs. 2 lbs. on his breast for the space of an hour and three minutes, during which time the High-Sheriff who attended him used every argument to induce him to plead, but in vain. Burnworth, all the time, was trying to kill himself by striking his head against the floor. At last he was prevailed on to promise to plead, was brought back to Court, and duly sentenced to death.

The last instance in which the press was inflicted was at Kilkenny in Ireland. A man named Matthew Ryan stood mute at his trial for highway robbery, and was adjudged by the jury to be guilty of "wilful and affected dumbness and lunacy." He was given some days' grace, but still remaining dumb, he was pressed to death in the public market of Kilkenny.

As the weights were put upon him the wretched man broke silence and implored that he might be hanged, but the Sheriff could not grant his request.

In 1741 a new press was made and fixed in the press-yard, for the punishment of a highwayman named Cook, but it was not used. The 12th Geo. III. (1772) at length altered the law on this head, and judgment was awarded against mutes as though convicted or they had confessed. In 1778 one so suffered at the Old Bailey. Finally, it was provided by the 7 and 8 Geo. IV., cap. 28, that the Court should enter a plea of "Not Guilty" when the prisoner will not plead.

The principal forms of capital punishment, however, as the derivation of the expression implies, have dealt with the head as the most vulnerable part of the body. Death has been and still is most generally inflicted by decapitation and strangulation. The former, except in France, where it came to be universal, was the most aristocratic method; the latter was long applied only to criminals of the baser sort. Until the invention of the guillotine, culprits were beheaded by sword or axe, and were often cruelly mangled by a bungling executioner. It is asserted by the historian that the executioner pursued the Countess of Salisbury about the scaffold, aiming repeated blows at her, before he succeeded in striking off her head. This uncertainty in result was only ended by the ingenious invention of Dr. Guillotin, the rude germ of which existed long previously in the Scotch "maiden." The regent Morton, who introduced this

instrument into Scotland, and who himself suffered by it, is said to have taken it from the Halifax Gibbet.* Guillotin's machine was not altogether original, but it owed more to the Italian "Mannaïa" than to the "maiden." Nor, according to Sanson the French headsman, was he the actual inventor of the notorious instrument guillotine, which bears his name. The guillotine was designed by one Schmidt, a German engineer and artificer of musical instruments. Guillotin enthusiastically adopted Schmidt's design, which he strongly recommended in the assembly, declaring that by it a culprit could not suffer, but would only feel a slight freshness on the neck. Louis XVI. was decapitated by the guillotine, as was the doctor, its sponsor and introducer.

Strangulation, whether applied by the bowstring, cord, handkerchief, or drop, is as old as the hills. It was inflicted by the Greeks as an especially ignominious punishment. The "sus per coll." was not unknown in the penal law of the Romans, who were in the habit also of exposing the dead convict upon the gibbet, "as a comfortable sight to his friends and relations."

In London various places have been used for the scene of execution. The spot where a murder had been committed was often appropriately selected as

* By "Halifax law" any thief who within the precincts of the liberty stole thirteen pence could on conviction before four burghers be sentenced to death. The same law obtained at Hull, hence the particular prayer in the thieves' Litany, which ran as follows: "From Hull, Hell, and Halifax, good Lord, deliver us."

the place of retribution. Execution Dock was reserved for pirates and sea-robbers, Tower Hill for persons of rank who were beheaded. Gallows for meaner malefactors were sometimes erected on the latter place, the right to do so being claimed by the city. In the reign of Edward IV., however, there was a conflict of authority between the king and the corporation on this point. The king's officer set up a scaffold and gallows on Tower Hill, whereupon the Mayor and his brethren complained to the king, who replied, that he had not acted in derogation of the city liberties, and caused public proclamation to be made that the city exercised certain rights on Tower Hill. Executions also took place, according to Pennant, at the Standard in Chepe. Three men were beheaded there for rescuing a prisoner, and in 1351 two fishmongers for some unknown crime. Smithfield had long the dismal honour of witnessing the death-throes of offenders. Between Hozier and Cow Lanes was anciently a large pool called Smithfield Pond or Horse Pool, "from the watering of horses there;" to the south-west lay St. John's Court, and close to it the public gallows on the Town Green. There was a clump of trees in the centre of the green, elms, from which the place of execution was long euphemistically called "The Elms." It was used as such early in the thirteenth century, and distinguished persons, William Fitzosbert, Mortimer, and Sir William Wallace suffered here. About 1413 the gibbet was removed from Smithfield and put up at the north end of a garden wall belonging

to St. Giles' Leper Hospital, "opposite the Pound where the Crown Tavern is at present situate, between the end of St. Giles High Street and Hog Lane." But Smithfield must have been still used after the transfer of the gallows to St. Giles. In 1580 another conflict of jurisdiction, this time between the city and the Lieutenant of the Tower. A gibbet was erected in that year in East Smithfield, at Hog Lane, for the execution of one R. Dod, who had murdered a woman in those parts. "But when the sheriff brought the malefactor there to be hanged Sir Owen Hopton, the Lieutenant of the Tower, commanded the sheriff's officers back again to the west side of a cross that stood there," and which probably marked the extent of the liberties of the Tower. Discussion followed. The sheriffs with their prisoner accompanied the Lieutenant into a house to talk it over, "whence after a good stay they all departed." The city gave way—the gibbet was taken down, and the malefactor carried to Tyburn in the same afternoon, where he was executed.

The gallows were no doubt all ready for the business, for Tyburn had been used for executions as long as Smithfield. There were elms also at Tyburn, hence a not uncommon confusion between the two places of execution. Tyebourne has been ingeniously derived from the two words "Tye" and "Bourne," the last a bourne or resting-place to prisoners who were taken bound. Pennant gives the derivation "Tye," the name of a brook or "bourne" which flowed through

it. In Mr. Loftie's 'History of London'* he points out that the Tyburn of earliest times was a bleak heath situated at the end of the Marylebone Lane as we know it, and which, as it approached the town, had two branches. He suggests that the brook or "Bourne" also divided into two, hence the name "Teo burne" or two streams. Mr. Waller† gives the same derivation, and in one of the earliest mention of the Tyburn, an ancient chapter at Westminster, dated 951, it is called Teoburne. There were many Tyburns, however, and as in London the gallows were moved further and further westward of the building of houses, so the name of Tyburn travelled from Marylebone Lane to Edgeware Road. As time passed on it came to be the generic name for all places of execution, and was used at York, Liverpool, Dublin, and elsewhere. Tyburn was a kind of Golgotha, a place of infamy and disgrace. Here certain zealous Protestant gentlemen from the Temple in 1585 hung in chains an image, a Popish image, although styled Robin Hood. When Colonel Blood seized the Duke of Ormond in St. James' Street it was with the avowed intention of carrying him to Tyburn, there to be hanged like a common criminal. The exact position of the Tyburn gallows has been a matter of some controversy. Mr. Robins‡

* Loftie, 'Hist. of London,' 1883, vol. ii. 215.

† Waller, the Tyebourne and Westbourne paper read before the London and Middlesex Archæological Society.

‡ 'History of Paddington.'

places the Elms Lane as the first turning to the right in the Uxbridge Road after getting into it from the Grand Junction Road opposite the Serpentine. In Smith's 'History of Marylebone,' he states that the gallows stood on a small eminence at the corner of the Edgeware Road near the turnpike. Other authorities fix the place in Connaught Square; because in a lease of one of the houses, No. 49, granted by the Bishop of London, the fact that the gallows once stood on the site is expressly mentioned in the parchment. It was commonly reported that many human bones were exhumed between Nos. 6 and 12, Connaught Place, as well as in the garden of Arklow House, which stands at the south-west angle of the Edgeware Road. But Mr. Loftie states as a matter of fact that no such discovery was ever made. A careful but fruitless search at the time Connaught Place was built produced a single bone, probably part of a human jaw-bone, but nothing more. As to Arklow House, the report is distinctly denied by the owner himself. It is, however, pretty certain that at a later date the gallows were kept at a house at the corner of Upper Bryanston Street and the Edgeware Road, in front of which they were erected when required.

A detailed account has been preserved of the execution of Colonel John Turner in 1662, which presents a strange picture of the way in which the extreme penalty of the law was carried out in those days. The scene of the execution was not Tyburn, however, but

a place in Leadenhall Street at Lime Street end, a spot near where the deed for which Turner suffered was perpetrated. An immense crowd had gathered, as usual, to witness the convict's death. Pepys was there of course—"up," he tells us; "and after sending my wife to my Aunt Wright's, to get a place to see Turner hanged, I to Change." On his way he met people flocking to the place of execution, and mingling with the crowd, "got," somewhere about St. Mary Axe, "to stand upon the wheel of a cart for a shilling in great pain above an hour before the execution was done. He delaying the time by long discourses and prayers one after another in hopes of a reprieve, but none came." Turner was drawn in a cart from Newgate at eleven in the morning, accompanied by the ordinary and another minister, with the sheriffs, keeper of the gaol, and other officials in attendance. On coming to the gibbet he called the executioner to him, and presented him with money in lieu of his clothes, which his friends desired to keep. Then standing in the cart, he addressed the crowd with great prolixity. He dwelt on the cardinal sins; he gave a circumstantial account of his birth, parentage, family history; he detailed his war services as a loyal cavalier, with his promotions and various military rewards. With much proper feeling he sought to lessen the blame attached to his accomplices in the murder, and to exonerate the innocent accused. At intervals in this long discourse he was interrupted now by the sheriffs with broad hints to despatch,

now by the ordinary as to the irrelevance and impropriety of such remarks from a man about to die. Again the keeper of Newgate taxed him with other crimes, saying, for example, "Pray, Colonel Turner, do you know nothing of a glass jewel delivered to the Countess of Devonshire in room of another?" or "How about the fire in Lothbury, or the mysterious death of your namesake Turner, who died in your house?"

The condemned man discoursed at great length upon these various points, and was again and again reminded that it would be better for him to prepare for his approaching end. Still he continued his harangue and took a new departure when he remembered the condition of the condemned hold of Newgate, into which he had been cast after coming from the sessions. This hole, as it was called, he characterizes as "a most fearful, sad, deplorable place. Hell itself in comparison cannot be such a place. There is neither bench, stool, nor stick for any person there; they lie like swine upon the ground, one upon another, howling and roaring—it was more terrible to me than this death. I would humbly beg that hole may be provided with some kind of boards, like a court of guard, that a man may lie down upon them in case; for when they should be best prepared for their ends they are most tormented; they had better take them and hang them as soon as they have their sentence." This aspersion, however, on this part of his gaol the keeper tried to refute by stating that seventeen

out of the nineteen poor wretches confined in the hole managed to escape from it, bad as it might be.

But the reprieve for which Turner looked in vain still tarried. He was obliged now to fall to his prayers. These, by the Christian charity of the officials, he was permitted to spin out as long as he pleased. Then he went through the ceremony of distributing alms money for the poor, money for his wife, to be passed on to his young son's schoolmaster. At last he directed the executioner to take the halter off his shoulders, and afterwards, "taking it in his hands, he kissed it, and put it on his neck himself; then after he had fitted the cap and put it on, he went out of the cart up the ladder." The executioner fastened the noose, and "pulling the rope a little, says Turner, What, dost thou mean to choke me? Pray, fellow, give me more rope—what a simple fellow is this! How long have you been executioner, that you know not how to put the knot?" At the very last moment, in the midst of some private ejaculations, espying a gentlewoman at a window nigh, he kissed his hand, saying, "Your servant, mistress," and so he was "turned off," as Pepys says of him, "a comely-looking man he was, and kept his countenance to the last. I was sorry to see him. It was believed there were at least twelve or fourteen thousand people in the street."

There was nothing new in this desire to gloat over the dying agonies of one's fellow-creatures. The

Roman matron cried "habet," and turned down her thumb when the gladiator despatched his prostrate foe. Great dignitaries and high-born dames have witnessed without a shudder the tortures of an *auto da fé;* to this day it is the fashion for delicately-nurtured ladies to flock to the Law Courts, and note the varying emotions, from keenest anguish to most brutal *sangfroid*, of notorious murderers on trial.* It is not strange, then, that in uncultivated and comparatively demoralized ages the concourse about the gallows should be great, or the conduct of the spectators riotous, brutal, often heartless in the extreme. There was always a rush to see an execution. The crowd was extraordinary when the sufferers were persons of note or had been concerned in any much-talked-of case. Thus at the hanging of Vratz, Borosky, and Stern, convicted of that same murder of Mr. Thynne of which Count Konigsmark was acquitted,† an execution which took place in 1682, all London turned out to stare. The gallows had been set up in Pall Mall, the scene of the crime. "Many hundreds of standings were taken up by persons of quality and others." The Duke of Monmouth, one of the most intimate friends of the murdered man, was among the spectators in a balcony close by the gallows, and was the cynosure of every eye, fixing the glance of even one of the convicts, Captain Vratz, who "stared at him fixedly till the drop fell."

* See account of Courvoisier's trial in cap. vii., vol. ii.

† See *ante*, p. 186.

The fashion of gazing at these painful exhibitions grew more and more popular. Horace Walpole satirizes the vile practice of thus glorifying criminals. "You cannot conceive," he says to Sir Horace Mann, "the ridiculous rage there is of going to Newgate, the prints that are published of the malefactors, and the memoirs of their lives set forth with as much parade as Marshal Turrenne's" (Boswell). George Selwyn, chief among the wits and beaux of his time, was also conspicuous for his craving for such horrid sights. He was characterized by Walpole as a friend whose passion it was to see coffins, corpses, and executions. Judges going on assize wrote to Selwyn, promising him a good place at all the executions which might take place on their circuits. Other friends kept him informed of approaching events, and bespoke a seat for him, or gave full details of the demeanour of those whose sufferings he had not been privileged to see. Thus Henry St. John writes to tell him of the execution of Waistcott, Lord Harrington's butler, for burglary, which he had attended, with his brother, at the risk of breaking their necks "by climbing up an old rotten scaffolding, which I feared would tumble before the cart drove off with the six malefactors." St. John goes on to say that he had a full view of Waistcott, "who went to the gallows with a white cockade in his hat as an emblem of his innocence, and died with some hardness, as appeared through his trial." Another correspondent, Gilly Williams, gives additional particulars. "The

dog died game: went in the cart in a blue and white frock . . . . and the white cockade. He ate several oranges on his passage, inquired if his hearse was ready, and then, as old Rowe would say, was launched into eternity." Again George Townshend, writing to Selwyn from Scotland of the Jacobites, promises him plenty more entertainment on Tower Hill. The joke went round that Selwyn at the dentist's gave the signal for drawing a tooth by dropping his handkerchief, just as people did to the executioner on the scaffold. He would go anywhere to see men turned off. He was present when Lord Lovat was decapitated, and justified himself by saying that he had made amends in going to the undertaker's to see the head sewn on again. So eager was he to miss no sight worth seeing, that he went purposely to Paris to witness the torture of the unhappy Damiens. "On the day of the execution," Jesse tells us,* "he mingled with the crowd in a plain undress suit and bob wig; when a French nobleman, observing the deep interest he took in the scene, and imagining from the plainness of his attire that he must be a person in the humbler ranks of life, resolved that he must infallibly be a hangman. 'Eh bien, monsieur,' he said, 'Êtes vous arrivé pour voir ce spectacle?' 'Oui, monsieur.' 'Vous êtes bourreau?' 'Non, monsieur,' replied Selwyn, 'je n'ai pas l'honneur; je ne suis qu'un amateur.'"

It was in these days, or a little later, when Newgate

* 'Memorials of George Selwyn,' I. 11.

became the scene of action, that an execution was made the occasion of a small festivity at the prison. The governor gave a breakfast after the ceremony to some thirteen or fourteen people of distinction, and his daughter, a very pretty girl, did the honours of the table. According to her account, few did much justice to the viands : the first call of the inexperienced was for brandy, and the only person with a good appetite for her broiled kidneys, a celebrated dish of hers, was the ordinary. After breakfast was over the whole party adjourned to see the cutting down.

That which was a morbid curiosity among a certain section of the upper classes became a fierce hungry passion with the lower. The scenes upon execution days almost baffle description. Dense crowds thronged the approaches to Newgate and the streets leading to Tyburn or other places of execution. It was a ribald, reckless, brutal mob, violently combative, fighting and struggling for foremost places, fiercely aggressive, distinctly abusive. Spectators often had their limbs broken, their teeth knocked out, sometimes they were crushed to death. Barriers could not always restrain the crowd, and were often borne down and trampled underfoot. All along the route taken by the procession people vented their feelings upon the doomed convicts : cheering a popular criminal to the echo, offering him nosegays or unlimited drink ; railing and storming, on the other hand, at those they hated or, worse still, despised. When Earl Ferrers was hanged in 1760 the concourse was so great that the procession

took three hours to travel from Newgate to Tyburn. Lord Ferrers told the sheriffs that passing through such a multitude was ten times worse than death itself. The same brutality was carried to the foot of the gallows. The mob surged around the cart conversing with the condemned: now encouraging, now upbraiding, anon making him a target for all manner of missiles, and this even at the last awful moment, when the convict was on his knees wrapped in prayer. A woman named Barbara Spencer was beaten down by a stone when actually in supplication upon her knees. When Jack Sheppard, that most popular but most depraved young criminal, was executed, an incredible number of persons was present. The crowd was unruly enough even before execution, but afterwards it grew perfectly frantic. When the body had hung the appointed time, an undertaker ventured to appear with a hearse to carry it off, but being taken for a surgeon's man about to remove Jack Sheppard to the dissecting-room, he incurred the fierce displeasure of the mob. They demolished the hearse, then fell upon the undertaker, who with difficulty escaped with life. After that they seized the body and carried it off, throwing it from hand to hand, until it was covered with bruises and dirt. It was taken as far as the Barley Mow in Long Acre, where it lay some hours, and until it was discovered that the whole thing was a trick devised by a bailiff in the pay of the surgeons, and that the body had been forcibly taken from a person who really intended to bury it. The mob was now

excited to frenzy, and a serious riot followed. The police being quite inadequate to quell it, the military were called in, and with the aid of several detachments of Guards the ringleaders were secured. The body was given over to a friend of Sheppard's to bury, the mob dispersed to attend it to St. Martin's Fields, where it was deposited under a guard of soldiers and eventually buried.

While these wild revels were kept up both before and after the execution the demeanour of the doomed partook too often of the general recklessness. The calendars are full of particulars of the manner in which condemned convicts met their fate. Many awaited the extreme penalty, and endured it with callous indifference or flippant effrontery. Only now and again did their courage break down at the eleventh hour, and so prove that it was assumed. A few notable examples may be cited as exhibiting their various moods. Paul Lewis, once a lieutenant in the Royal Navy, but an irreclaimable scoundrel, who took eventually to the road, and was sentenced to death for highway robbery, was boldly unconcerned after sentence. In Newgate he was the leader of the revels: they dubbed him captain, like Macheath; he sat at the head of the table, swore at the parson, and sang obscene songs. It was not until the warrant of execution arrived at the prison, when all bravado evaporated, and he became as abject as he had before appeared hardened. John Rann the highwayman, better known as Sixteen String Jack, had a farewell dinner-party after he was convicted, and

while awaiting execution: the company included seven girls; "all were remarkable cheerful, nor was Rann less joyous than his companions." Dick Turpin made elaborate preparations for his execution; purchased a new suit of fustian and a pair of pumps to wear at the gallows, and hired five poor men at ten shillings per head, to follow his cart as mourners, providing them with hat-bands and mourning-bands. Nathaniel Parkhurst who, when in the Fleet for debtors, murdered a fellow-prisoner, demolished a roast fowl at breakfast on the morning of his execution, and drank a pint of liquor with it. Jerry Abershaw was persistently callous from first to last. Returning from court across Kennington Common, he asked his conductors whether that was the spot on which he was to be twisted? His last days in the condemned cell he spent in drawing upon the walls with the juice of black cherries designs of the various robberies he had committed on the road. Abershaw's *sangfroid* did not desert him on the last day. He appeared with his shirt thrown open, a flower in his mouth, and all the way to the gallows carried on an incessant conversation with friends who rode by his side, nodding to others he recognized in the crowd, which was immense.* Still more awful was the conduct of Hannah Dagoe, a herculanean Irish woman, who plied the trade of porter at Covent Garden. In Newgate while under sentence she was most defiant.

* The season was the summer, and on the Sunday following the execution, London was like a deserted city; hundreds of thousands went out to see him hanging in chains.

She was the terror of her fellow-prisoners, and actually stabbed a man who had given evidence against her. When the cart was drawn in under the gallows she got her arms loose, seized the executioner, struggled with him, and gave him so violent a blow on the chest that she nearly knocked him down. She dared him to hang her, and tearing off her hat, cloak, and other garments, the hangman's perquisites, distributed them among the crowd in spite of him. After a long struggle he got the rope around her neck. This accomplished, she drew her neckerchief from round her head over her face, and threw herself out of the cart before the signal was given with such violence that she broke her neck and died instantly. Many ancient customs long retained tended to make them more hardened. Chief among these was the offer of strong drink by the way. When the gallows stood at St. Giles it was the rule to offer malefactors about to be hanged a great bowl of ale, "as the last refreshment they were to receive in this life." This drink was long known as the "St. Giles' Bowl." The practice of giving drink was pretty general for years later and in many parts of the country. In Yorkshire at Bawtry, so the story runs, a saddler was on his way to be hanged. The bowl was brought out, but he refused it and went on to his death. Meanwhile his reprieve was actually on the road, and had he lingered to drink time sufficient would have been gained to save him. Hence came the saying that "the saddler of Bawtry was hanged for leaving his ale." Other

convicts are mentioned in an uncomplimentary manner because they dared to smoke on their road to the gallows. "Some mad knaves took tobacco all the way as they went to be hanged at Tyburn." This was in 1598, when the use of the weed introduced by Sir Walter Raleigh was still somewhat rare. A hundred years later the misbehaviour was in "impudently calling for sack" and drinking King James' health; after which the convicts affronted the Ordinary at the gallows, and refused his assistance.

There were few who behaved with the decency and self-possession of Lord Ferrers, who went to his shameful death in a suit of white and silver, that, it was said, in which he had been married. He himself provided the white cap to be pulled over his face, and the black silk handkerchief with which his arms were to be bound. His last words were, "Am I right?" and immediately the drop fell. In his case there had been an unseemly wrangle upon the gallows between the executioner and his assistant. Lord Ferrers had given the latter, in mistake for his chief, a fee of five guineas, which the head executioner claimed, and the assistant would not readily surrender. Some were in abject terror till the last act commenced. Thus John Ayliffe, a forger, was in the utmost agonies the night preceding his execution; his agitation producing an intolerable thirst, which he vainly sought to allay by copious draughts of water. Yet his composure quite returned on his road to Tyburn, and he "behaved with decency at the fatal tree." It was just

the reverse with Mrs. Meteyard, who with her daughter murdered a parish apprentice. She was in a fit when put into the cart, and she continued insensible all the way to Tyburn. Great efforts were made to restore her, but without avail, and she was in an unconscious state when hanged.

It may be questioned whether that close attention was paid to the spiritual needs of the condemned which is considered indispensable in these more humane days. No doubt many rejected the offers of the ordinary, refusing to attend chapel, pretending to belong to out-of-the-way persuasions, and still declining the ministrations of clergymen of any creed; others pretended, like Dean Swift's Tom Clinch, that they went off with a clear conscience and a calm spirit,

"Without prayer-book or psalm."

But very probably this indifference to the ordinary and his ghostly counsels arose from a suspicion that he was not very earnest in what he said. The Newgate ordinary, although a sound protestant, was a father confessor to all criminals. Not the least profitable part of his emoluments came from the sale of his account of the execution of convicts, a species of gaol calendar which he compiled from information the condemned men themselves supplied. That the ordinary attached great value to this production is clear from the petition made by one of them, the Reverend Paul Lorraine, to the House of Commons, that his pamphlet might be exempted from the tax

levied upon paper. Several of these accounts have been preserved, and I have referred to them in my chapter, "The gaol calendar." But it is easy to understand that the ordinary might have been better employed than in compiling these accounts, however interesting they may be, as illustrating the crime of the last century. It is also pretty certain that, although, doubtless, blameless and exemplary men, Newgate chaplains were not always over-zealous in the discharge of their sacred office in regard to the condemned. There were many grim jokes among the prisoners themselves as to the value of the parson's preaching. Thus in the Reverend Mr. Cotton's time as ordinary, convicts were said to go out of the world with their ears stuffed full of cotton; and his interpretation of any particular passage in Scripture was said to go in at one ear and out at the other.* Hence the intrusion, which must have seemed to them unwarrantable, of dissenting and other amateur preachers, of well-meaning enthusiasts, who devoted themselves with unremitting vigour to the spiritual consolation of all prisoners who would listen to them. It is impossible to speak otherwise than most approvingly of the single-minded, self-sacrificing devotion of such men as Silas Told, the forerunner of Howard, Mrs. Fry, the Gurneys, and other estimable philanthropists. Nevertheless unseemly polemical wrangles appeared

* The negligence and perfunctory performance of duty of the ordinary, Mr. Ford, is strongly animadverted upon in the 'Report of Commons' Committee in 1814.' See vol. ii. cap. 2.

to have been the result of this interference, which was better meant than appreciated by the authorized clerical officer. Dr. Doran, referring to the execution of James Sheppard (Jacobite Sheppard, not Jack), gives an account of a conflict of this kind. "Sheppard's dignity," he says, "was not even ruffled by the renewed combat in the cart of the Newgate chaplain and the nonjuror. Each sought to comfort and confound the culprit according to his way of thinking. Once more the messengers of peace got to fisticuffs, but as they neared Tyburn the nonjuror kicked Paul * (the ordinary) out of the cart, and kept by the side of Sheppard till the rope was adjusted. There he boldly, as those Jacobite nonjurors were wont, gave the passive lad absolution for the crime for which he was about to pay the penalty; after which he jumped down to have a better view of the sorry spectacle from the foremost ranks of spectators."

It was no doubt on account of the insufficiency of the spiritual consolations offered to the condemned that led old Richard Dove, or Dow, to make his endowment for tolling the prisoner's bell. He bequeathed fifty pounds a year for ever, so Stowe tells us, with this philanthropic purpose. When condemned prisoners were being "drawn to their executions at Tyburn," a man with a bell stood in the churchyard by St. Sepulchre's, by the wall next the street, "and so to put them in mind of their death approaching."

* The Rev. Paul Lorraine.

Later on these verses took the form of exhortation, of which the following is the substance—

> " You prisoners that are within,
> Who for wickedness and sin,

after many mercies shown you, you are now appointed to die to-morrow in the forenoon: give ear and understand that to-morrow morning the greatest bell of St. Sepulchre's shall toll for you, in form and manner of a passing bell, as used to be tolled for those who are at the point of death, to the end that all godly people hearing that bell, and knowing it is for you going to your death, may be stirred up heartily to pray to God to bestow His grace and mercy upon you whilst you live. I beseech you, for Jesus Christ his sake, to keep this night in watching and prayer for the salvation of your own souls, whilst there is yet time and place for mercy: as knowing to-morrow you must appear before the judgment-seat of your Creator, there to give an account of all things done in this life, and to suffer eternal torments for your sins, committed against Him, unless upon your hearty and unfeigned repentance you find mercy, through the merits, death, and passion of your only Mediator and Advocate, Jesus Christ, who now sits at the right hand of God, to make intercession for as many of you as penitently return to Him." In addition to the foregoing there was an admonition pronounced to the condemned criminals as they passed St. Sepulchre's

church wall on their way to execution, which was to the following effect:—

"All good people pray heartily unto God for those poor sinners who are now going to their death, for whom this great bell doth toll.

"You that are condemned to die, repent with lamentable tears; ask mercy of the Lord for the salvation of your own souls, through the merits, death, and passion of Jesus Christ, who now sits at the right hand of God, to make intercession for as many of you as penitently return unto Him.

> "Lord have mercy upon you,
> Christ have mercy upon you.
> Lord have mercy upon you,
> Christ have mercy upon you."

In times when scaffold and gallows were perpetually crowded, the executioner was a prominent if not exactly a distinguished personage. The office might not be honourable, but it was not without its uses, and the man who filled it was an object of both interest and dread. In some countries the dismal paraphernalia—axe, gibbet, or rack—have been carried by aristocratic families on their arms:* in France the post of executioner was long hereditary, regularly transmitted from father to son, for many generations, and

* The Scotch Dalziels bear sable, a hanged man with his arms extended. A Spanish hidalgo has in his coat armour, a ladder with gibbet; and various implements of torture have been borne by German families of distinction.

enjoyed eventually something of the credit vouchsafed to all hereditary offices. With us the law's finisher has never been held in great esteem. He was on a par rather with the Roman *carnifex*, an odious official, who was not suffered to live within the precincts of the city. The only man who would condescend to the work was usually a condemned criminal, pardoned for the very purpose. Derrick, one of the first names mentioned, was sentenced to death, but pardoned by Lord Essex, whom he afterwards executed. Next to him I find that one Bull acted as executioner about 1593. Then came Gregory Brandon, the man who is generally supposed to have decapitated Charles I., and who was commonly addressed by his Christian name only. Through an error Brandon was advanced to the dignity of a squire by Garter, king at arms, and succeeding executioners were generally honoured with the same title. Brandon was followed by his son; young Brandon by Squire Dun, who gave place in his turn to John Ketch, the godfather of all modern hangmen.* Jack Ketch did not give entire satisfaction. It is recorded in Luttrell that Ketch was dispossessed in favour of Pascha Roose, a butcher, who served only a few months, when Ketch was restored. After Ketch, John Price was the man, a pardoned malefactor, who could not resist temptation, and was himself executed for murder by some one else. Dennis, the hangman at the Lord George Gordon

* Many of the immediate successors of Brandon above-mentioned were called Gregory.

riots, had also been sentenced to death for complicity, but obtained forgiveness on condition that he should string up his former associates.

They did their work roughly, these early practitioners. Sometimes the rope slipped, or the drop was insufficient, and the hangman had to add his weight, assisted by that of zealous spectators, to the sufferer's legs to effect strangulation. Now and again the rope broke, and the convict had to be tied up a second time. This happened with Captain Kidd, the notorious pirate, who was perfectly conscious during the time which elapsed before he was again tied up. The friends of another pirate, John Gow, were anxious to put him out of his pain, and pulled his legs so hard, that the rope broke before he was dead, necessitating the repetition of the whole ceremony Even when the operation had been successfully performed, the hanged man sometimes cheated the gallows. There are several well-authenticated cases of resuscitation after hanging, due doubtless to the rude and clumsy plan of killing. To slide off a ladder or drop from a cart might and generally did produce asphyxia, but there was no instantaneous fracture of the vertebral column as in most executions of modern times. The earliest case on record is that of Tiretta de Balsham, whom Henry III. pardoned in 1264 because she had survived hanging. As she is said to have been suspended from one morning till sunrise the following day, it is difficult to believe the story, which was probably one of many mediæval

impostures. Females, however, appear to have had more such escapes than males. Dr. Plot * gives several instances, one that of Anne Green, who in 1650 came to when in the hands of the doctors for dissection; another of Mrs. Cope, hanged at Oxford in 1658, who was suspended for an unusually long period, and afterwards let fall violently, yet she recovered, only to be more effectually hanged next day. A third substantiated case was that of half-hanged Maggie Dickson, who was hanged at Edinburgh in 1728, and whom the jolting of the cart in which her body was removed from the gallows recovered. The jolting was considered so infallible a recipe for bringing to, that it was generally practised by an executed man's friends in Ireland, where also the friends were in the habit of holding up the convict by his waistband after he had dropped, "so that the rope should not press upon his throat," the sheriff philanthropically pretending not to see.

Sir William Petty, the eminent surgeon in Queen Anne's time, owed his scientific fame to his having resuscitated a woman who had been hanged. The body had been begged, as was the custom, for the anatomical lecture; Petty finding symptoms of life, bled her, put her to bed with another woman, and gave her spirits and other restoratives. She recovered, whereupon the students subscribed to endow her with a small portion, and she soon after married and lived for fifteen years. The case of half-hanged Smith was about the date 1705.

* 'Natural History of Oxfordshire,' cap. 8.

He was reprieved, but the reprieve arrived after he had been strung up; he was taken down, bled, and brought to. Smith afterwards described his sensations minutely. The weight of his body when he first dropped caused him great pain; his "spirits" forced their way up to his head and seemed to go out at his eyes with a great blaze of light, and then all pain left him. But on his resuscitation the blood and "spirits" forcing themselves into their proper channels gave him such intolerable suffering "that he could have wished those hanged who cut him down." William Duell, hanged in 1740, was carried to Surgeon's Hall, to be anatomized; but as his body was being laid out, one of the servants who was washing him perceived that he was still alive. A surgeon bled him, and in two hours he was able to sit up in his chair. Later in the evening he was sent back to Newgate, and his sentence changed to transportation. In 1767, a man who had hanged for 28 minutes was operated on by a surgeon, who made an incision into the wind-pipe. In less than six hours the hanged man revived. It became a constant practice for a condemned man's friends to carry off the body directly it was cut down to the nearest surgeon's, who at once operated on it by bleeding, and so forth. The plan was occasionally but rarely successful. It was tried with Dr. Dodd, who was promptly carried to an undertaker's in Tottenham Court Road and placed in a hot bath; but he had been too well hanged for recovery. A report was long current that Fauntleroy the banker, who was

executed for forgery, had been resuscitated, but it was quite without foundation.

The Tyburn procession survived till towards the end of the eighteenth century. It had many supporters, Dr. Johnson among the number. "Sir," he told Boswell, when Tyburn had been discontinued, "executions are intended to draw spectators. If they do not draw spectators they do not answer their purpose. The old method was most satisfactory to all parties: the public was gratified by a procession, the criminal is supported by it. Why is all this to be swept away?" The reason is given by the sheriffs for the year 1784, and is convincing. In a pamphlet published that year it is set forth that the procession to Tyburn was a hideous mockery on the law; the final scene had lost its terrors; it taught no lesson of morality to the beholders, but tended to the encouragement of vice. The day of execution was deemed a public holiday, to which thousands thronged, many to gratify an unaccountable curiosity, more to seize an opportunity for committing fresh crimes. "If we take a view of the supposed solemnity from the time at which the criminal leaves the prison to the last moment of his existence, it will be found to be a period full of the most shocking and disgraceful circumstances. If the only defect were the want of ceremony the minds of the spectators might be supposed to be left in a state of indifference; but when they view the meanness of the apparatus, the dirty cart and ragged harness, surrounded by a sordid

The New Gallows in the Old Bailey.

assemblage of the lowest among the vulgar, their sentiments are inclined more to ridicule than pity. The whole progress is attended with the same effect. Numbers soon thicken into a crowd of followers, and then an indecent levity is heard." The crowd gathered as it went, the levity increased, "till on reaching the fatal tree it became a riotous mob, and their wantonness of speech broke forth in profane jokes, swearing, and blasphemy." The officers of the law were powerless to check the tumult; no attention was paid to the convict's dying speech—"an exhortation to shun a vicious life, addressed to thieves actually engaged in picking pockets." The culprit's prayers were interrupted, his demeanour if resigned was sneered at, and only applauded when he went with brazen effrontery to his death. "Thus," says the pamphlet, "are all the ends of public justice defeated; all the effects of example, the terrors of death, the shame of punishment, are all lost."

The evils it was hoped might be obviated "were public executions conducted with becoming form and solemnity, if order were preserved and every tendency to disturb it suppressed." Hence the place of execution was changed in 1784 from "Tyburn to the great area that has lately been opened before Newgate." The sheriffs were doubtful of their power to make alterations, and consulted the judges, who gave it as their opinion that it was within the sheriff's competence. "With this sanction, therefore," the sheriffs go on to say, "we have proceeded, and instead of

carting the criminals through the streets to Tyburn, the sentence of death is executed in the front of Newgate, where upwards of five thousand persons may easily assemble; here a temporary scaffold hung with black is erected, and no other persons are permitted to ascend it than the necessary officers of justice, the clergyman, and the criminal, and the crowd is kept at a proper distance. During the whole time of the execution a funeral bell is tolled in Newgate, and the prisoners are kept in the strictest order.

"We hope this alteration will produce many good effects to the public, to the criminal, and to the prisoners in the gaol. The crowd of spectators will probably be more orderly, because less numerous, and more subject to control by being more confined; and also it will be free from the accession of stragglers, whom a Tyburn procession usually gathers on its passage, and who make the most wanton part of it. Add to this the sentiments which the sight must naturally raise in the breast of every man when exhibited with due solemnity; when the mind is allowed to fix its whole attention upon this scene of awful ceremony, it will feel with becoming dread the pain of disobedience and the terror of example. Nor will the effect of this change be lost upon the criminal: his spirits will be composed by the decorum of the place, and he may prepare his soul for its dissolution by calm meditation, which he could not have exercised under the former noise and disorder;

the fearful may gather strength and the hardened yield to remorse from the awe and reverence with which they view their fate. To those in confinement, who feel the heavy hand of justice so near the walls, it must necessarily become a useful lesson of duty and obedience, and a strong admonition to repentance. Example ought from its very nature to be directed principally to the wicked, that they who have most offended may feel most sensibly the certain consequence of offending; in the present instance the application of it is conformable to its original design and to the first principles of justice. It will be administered so as to amend the lives of those prisoners who may escape the fate of their lost companion, and to make those fitter for it who are doomed to suffer."

I shall return to the subject of executions in the second volume, and shall have to show that the horrors of executions were but little diminished by the substitution of the Old Bailey as the scene. Seventy-four years were to elapse before the wisdom of legislators and the good sense of the public insisted that the extreme penalty of the law should be carried out in strictest privacy within the walls of the gaol.

CHAPTER VII.

ESCAPES.

Escapes from Newgate mostly commonplace—Causes of escapes—Mediæval prison breaking—Scheme of escape in a coffin—Other methods—Changing clothes—Setting fire to prison—Connivance of keepers—Ordinary devices—Quarrying walls, taking up floors, cutting their fetters, &c.—Jack Sheppard—His escapes from Newgate—His capture—Special instructions from Secretary of State for his speedy trial and execution—Burnworth's attempt—Joshua Dean—Daniel Malden's two escapes—His personal narrative and account of his recapture—Stratagem and disguise—Female clothing—Mr. Barlow the Jacobite detected in a woman's dress and taken to the Old Bailey—General Forster's escape—Mr. Pitt the governor suspended and suspected of complicity—Brigadier Macintosh and fifteen other Jacobites escape—Some retaken—Mr. Ratcliffe gets away—Again in trouble in the '45 and executed.

Escapes from Newgate have been numerous enough, but except in a few cases not particularly remarkable. They miss the extraordinary features of celebrated evasions, such as those of Casanova Von Trenck and Latude. The heroes of Newgate, too, were mostly commonplace criminals. There was but little romance about their misdeeds, and they scarcely excite the sympathy which we cannot deny to victims of tyrannical oppression immured under the Piombi or in the Bastille.

They lacked aptitude, moreover, or perhaps opportunity, to weave their stories into thrilling narratives, such as have been preserved from the pens of more scholarly prisoners. Hence the chronicle of Newgate is somewhat bald and uninteresting as regards escapes. It rings the changes upon conventional stratagems and schemes. All more or less bear testimony to the cunning and adroitness of the prisoners, but all equally prove the keepers' carelessness or cupidity. An escape from prison argues always a want of precaution. This may come of mere neglectfulness, or it may be bought at a price. Against bribery there can be no protection, but long experience has established the watchful supervision, which to-day avails more than bolts and bars and blocks of stone. A prisoner can sooner win through a massive wall than elude a keen-eyed warder's care. Hence in all modern prison construction the old idea of mere solidity has been abandoned, and reliance is placed rather upon the upright intelligence of that which we may term the prison police. The minute inspection of cells and other parts occupied by prisoners, the examination of the prisoners themselves at uncertain times; above all, the intimate acquaintance which those in authority should have of the movements and doings of their charges at all seasons—these are the best safeguards against escapes.

In early days attempts to break prison were generally rude and imperfect. Now and again a rescue was accomplished by force, at risk, however, of a

levée of the citizens in vindication of the law. This was the case in 1439, when Phillip Malpas and Robert Marshall, the sheriffs of London, recovered a prisoner who had been snatched from their officers' hands.* Sometimes the escape followed a riotous upheaval of the inmates of Newgate, as when two of the Percies and Lord Egremond were committed to Newgate for an affray in the North Country between them and Lord Salisbury's sons. Soon after their committal these turbulent aristocrats "broke out of prison and went to the king; the other prisoners took to the leads of the gate, and defended it a long while against the sheriffs and all their officers," till eventually the aid of the citizens had to be called in. In 1520 a prisoner who was so weak and ill that he had to be let down out of Newgate in a basket broke through the people in the Sessions Hall, and took sanctuary in Grey Friars Church. The rest of the story, as told by Holinshed, states that after staying six or seven days in the church, before the sheriffs could speak with him, "because he would not abjure (the country) and ask a crowner, with violence they took him hence, and cast him again into prison, but the law served not to hang him."

In the 'Calendar of State Papers,' under date 1593, there is a reference to a more ingenious method of compassing the enlargement of a prisoner. The scheme was to convey a living body out of Newgate in a coffin, instead of the dead one for which

* See *ante*, chap. i.

it had been prepared. The prisoner was a member of a congregation or secret conventicle, and the coffin had been made by subscription of the whole society, at a cost of four-and-eightpence. The State Papers give the examination of one Christopher Bowman, a goldsmith, on the subject, but unfortunately gives few details as to the meditated escape. The idea was to write a wrong name on the coffin-lid, and no doubt to trust to a corrupt officer within the prison for the substitution of the bodies. I find another curious but brief reference to escapes in the State Papers about this date. It is the endorsement of "the examination of Robert Bellamy, of the manner of his escape from Newgate, from thence to Scotland, and then over to Hamburgh. His arrest in the Palsgrave's country, and his conveyance to Duke Casimir."

As time passed the records become fuller, and there is more variety in the operations of the prisoners in their efforts towards freedom. In 1663 a man escaped by his wife changing clothes with him, and got into a hole between two walls in Thomas Court; "but though he had a rug and food, yet the night being wet he wanted beer, and peeping out, he was taken, is brought back prisoner, and will, it is thought, be hanged." Sometimes the prisoners rose against their keepers, and tried to set the prison on fire, hoping to get out during the confusion. This was repeatedly tried. In 1615, for instance, and again in 1692, when the prison was actually alight; but the fire was discovered just as certain of the prisoners were in the

act of breaking open the prison gates. Sometimes no violence was used, but the prisoner walked off with the connivance of his keeper. This was what occurred with Sir Nicholas Poyntz, who escaped between Newgate and the King's Bench, on the road to the latter prison, to which he was being transferred. The references to this case throw some light upon the interior of Newgate at the time (1623). Poyntz had been arrested for killing a man in a street brawl. He had been committed first to the King's Bench, whence on pretence of his having excited a mutiny in that prison, he was transferred to Newgate, and lodged in a dungeon without bed or light, and compelled to lie in a coffin. All this he sets forth in a petition to the high and mighty prince, George Duke of Buckingham, for whose use he paid the sum of £500 to Sir Edward Villiers, and prays that he may have leave to sue out his Habeas Corpus, or have back his money. No notice having been taken of this appeal, he made shift for himself in the manner described. He was soon afterwards retaken, as appears from other petitions from the under-sheriffs, against whom actions had been commenced for allowing the escape.

Another somewhat similar case is reported in 1635, where the deputy-keeper of Newgate, Edward James by name, was attached and committed to the Fleet for allowing Edward Lunsford, a prisoner in his custody, to go at large. Lunsford was concerned with Lewis and others in a foul attempt to kill Sir

Thomas Pelham on a Sunday going to church, and committed under an order of the Star Chamber to Newgate, where he lay for a year. His imprisonment was from time to time relaxed by James: first that he might prosecute his suit to a gentlewoman worth £10,000; and afterwards on account of the prosecutions against him in the Star Chamber; ultimately on account of his lameness and sickness James gave him liberty for the recovery of his health, and he was allowed to lodge out of prison, his father being his surety, and promising that he should be produced when required. But he abused this kindness, and instead of showing himself at regular periods to the keeper, made off altogether. All this is stated in a petition from James, who prays for enlargement on bail that he may pursue and recapture Lunsford. "Lunsford is so lame that he can only go in a coach, and though it is reported that he has been at Gravelines and Cologne, yet he has been seen in town within ten days." This petition, which is in the State Papers, is underwritten that the Attorney-General be directed to prosecute the petitioner in the Star Chamber, and upon it are Secretary Windebank's notes; to the effect that James had received a bribe of £14 to allow Lunsford and his companions to go abroad without a warrant, and one of them to escape. Various sentences were proposed. Lord Cottington suggested that James should pay a fine of £1000 to the king, imprisonment during pleasure, to be bound to good behaviour when he comes out, and

acknowledgments. Secretary Windebank added that he should be put from his place; the Earl Marshall suggested standing with a paper in Westminster Hall, and prosecution of the principal keeper; Archbishop Laud concluded with whipping, and that the chief keeper should be sent for to the Council Board.

The ordinary methods of attempting escape were common enough in Newgate. Quarrying into the walls, breaking up floors, sawing through bars, and picking locks were frequent devices to gain release. In 1679 several prisoners picked out the stones of the prison walls, and seven who had been committed to Newgate for burglary escaped. No part of the prison was safe from attack, provided only the prisoners had leisure and were unobserved, both of which were almost a matter of course. Now it is a hole through the back of a chimney in a room occupied by the prisoner, now a hole through a wall into a house adjoining the prison. Extraordinary perseverance is displayed in dealing with uncompromising material. The meanest and seemingly most insufficient weapons served. Bars are sawn through like butter;* prisoners rid themselves of their irons as though they were old rags; one man takes a bar out of the chapel window and gets away over the house-tops; a gang working in association

* The most ingenious and painstaking attempt of this kind was that made by some Thugs awaiting sentence in India, who sawed through the bars of their prison with packthread smeared with oil and coated with fine stone-dust.

saw through eight bars, "each as thick as a man's wrist, leaving enough iron to keep the bars together, and fitting up the notches with dirt and iron-rust to prevent discovery;" but they are detected in time, and for proper security are all chained to the floor. Another lot are discovered "working with large iron crows," meaning to get through the floor. On this occasion "a great lot of saws, files, pins, and other tools" were found among the prisoners, plainly revealing the almost inconceivable license and carelessness prevailing. Again, two men under sentence of death found means to break out of Newgate "through walls six feet in thickness." They were brothers, and one of them being ill, he was out of humanity removed from his cell to an upper room, where the other was suffered to attend him. As they were both bricklayers by trade, they easily worked through the wall in a night and so escaped. They were, however, retaken and hanged. The ease with which irons are slipped is shown repeatedly. One man having attempted to escape was as usual chained to the floor, yet he managed to get himself loose from an iron collar in which his neck was fastened and his hands extended. This man, when he got himself disengaged from the floor, had the resolution to wring the collar from his neck by fixing it between two of the bars of the gaol window, and thus by main strength he broke it in two. Others cut through their handcuffs and shackles two or three times running with the ease of the Davenport brothers freeing themselves from bonds.

Jack Sheppard's escapes from Newgate are historical, although much embellished by the novelist's art. Sheppard's success was really marvellous, but it may be explained to some extent by his indomitable pluck, his ingenuity, and his personal activity. As he was still quite a lad when he was hanged, he could have been barely twenty-two at the time of his escapes.* He is described as of a lithe, spare figure and of great strength. From his early apprenticeship to a carpenter he had much skill and knowledge in the handling of tools. He first became celebrated as a prison-breaker by his escapes from the St. Giles' Round House and from the New Prison. His first escape, from the condemned hold of Newgate, where he lay under sentence of death, was more a proof of ingenuity than of prowess. The usual neglect of proper precautions allowed two female visitors to have access to him and to supply him with tools, probably a file and saw. With these he partly divided a spike on the top of the hatch which led from the condemned hold. Upon a second visit from his fair friends he broke off the spike, squeezed his head and shoulders through the opening, the women then pulling him through. How he got past the lodge where the

* In the proclamation for his apprehension after his second escape, he is described as about twenty-two years of age, five feet four inches in height, very slender, of a pale complexion, having an impediment or hesitation in his speech, and wearing a butcher's blue frock with a great coat over it; a carpenter or house joiner by trade. Twenty guineas reward was offered to any who might discover or apprehend him.

turnkeys were carousing is not recorded, but it was probably in female disguise. His second escape following his recapture, and a second sentence of death, was much more remarkable. It was, however, only rendered possible by the negligence of his keepers. They visited him at dinner-time, and after a careful examination of his irons, having satisfied themselves that he was quite secure, left him for the day. Released thus from all surveillance, time was all that Sheppard needed to effect his escape.

He had been chained to the floor by heavy irons, which were rivetted into a staple fixed in the ground. Various fancy sketches exists of the means of restraint employed, but none can be relied upon as accurate or authentic. Some irons still in existence at Newgate may be akin to those by which Sheppard was secured, but they are hardly the identical fetters. Sheppard was also handcuffed. These he is said to have rid himself of by holding the connecting chain firmly between his teeth, squeezing his fingers as small as possible, and drawing the manacles off. "He next twisted the gyves,* the heavy gyves, round and round, and partly by main strength, partly by a dexterous, well-applied jerk, snapped asunder the central link by which they were attached to the padlock." He was now free to move about, but the

* I have followed the text of Ainsworth's novel, which gives a clear and picturesque account. It is also accurate, and based on the best accounts extant.

basils still confined his ancles, and he dragged at every step the long connecting chain. He drew up the basils on his calf, and removing his stockings used them to tie up the chains to his legs. He first attempted to climb up the chimney, but his upward progress was impeded by an iron bar that crossed the aperture. He descended, therefore, and from the outside with a piece of his broken chain set to work to pick out the stones and bricks so as to release the bar. This he accomplished and thus obtained an implement about an inch square and nearly a yard long, which was of the utmost service to him in his further operations. The room in which he had been confined was a part of the so-called "castle"; above it was the "Red-room," and into this he effected an entrance by climbing the chimney and making a fresh hole on the level of the floor above. In the "Red-room" he found a rusty nail, with which he tried to pick the lock, but failing in this, he wrenched off the plate that covered the bolt and forced the bolt back with his fingers. This red-room door opened on to a dark passage leading to the chapel. There was a door in it which he opened by making a hole in the wall and pushing the bolt back, and so reached the chapel. Thence he got into an entry between the chapel and the lower leads. "The door of this entry was very strong,* and fastened with a great lock. What was worse, the night had now overtaken him,

* I am quoting now from the 'Tyburn Calendar,' the wording of which is preserved in all other accounts.

and he was forced to work in the dark. However, in half an hour, by the help of the great nail, the chapel spike, and the iron bar, he forced off the box of the lock and opened the door, which led him to another yet more difficult, for it was not only locked, but barred and bolted. When he had tried in vain to make this lock and box give way he wrenched the fillet from the main post of the door and the box and staples came off with it. . . . There was yet another door betwixt him and the lower leads; but it being bolted within side he opened it easily, and mounting to the top of it he got over the wall and so to the upper leads." All that remained for him to do was to descend. There was a house adjoining, that of Mr. Bird, a turner, on to which he might drop, but he deemed the leap too dangerous, and coolly resolved to retrace his steps to the prison chamber, from whence he had so laboriously issued, and secure his blanket. Having accomplished this risky service, he returned to the leads, made fast his blanket, slid down it, entered the turner's house by a garret window, and eventually, after some delay and no little danger of detection, got away down into the street.

Mr. Austin, the Newgate turnkey, who was specially in charge of Sheppard, and who, on unbolting the castle strong room next morning found that his prisoner was gone, was amazed beyond measure. The whole of the prison warders ran up, and at sight of the cartloads of rubbish and débris "stood like men deprived of their senses." After their first surprise

they got their keys to open the neighbouring strong rooms, hoping that he might not have got clean and entirely away. It was not difficult to follow his track. Six great doors, one of which it was said had not been opened for seven years, had been forced, and their massive locks, screws, and bolts lay broken in pieces and scattered about the gaol. Last of all they came to the blanket hanging pendant from the leads, and it was plain that Sheppard was already far beyond pursuit.

It may be interesting to mention here that he was recaptured, mainly through his own negligence and drunkenness, within a fortnight of his escape. In the interval, after ridding himself of his irons, he had committed several fresh robberies, the most successful being a burglary at a pawnbroker's, where he furnished himself with the fine suit, sword, and snuff-box he possessed at the time of his arrest. "When he was brought back to the jail," says a contemporary account, "he was very drunk, carry'd himself insolently, defy'd the keepers to hold him with all their irons, art, and skill." He was by this time quite a notorious personage. "Nothing contributes so much to the entertainment of the town at present," says another journal of the time, "as the adventures of the house-breaker and gaol-breaker, John Sheppard. 'Tis thought the keepers of Newgate have got above £200 already by the crowds who daily flock to see him." "On Wednesday several noblemen visited him." He sat for his portrait to Sir James Thornhill, the eminent

painter,* and the likeness was reproduced in a mezzotint which had a large circulation. Seven different histories or narratives of his adventures were published and illustrated with numerous engravings. His importance was further increased by the special instructions issued to the Attorney-General to bring him to immediate trial. A letter from the Duke of Newcastle, then Secretary of State, is preserved in the Hardwicke MSS., wherein that great official condescends to convey the king's commands to Sir Philip Yorke that Sheppard, having made two very extraordinary escapes, and being a very dangerous person, should be forthwith brought to trial, "to the end that execution may without delay be awarded against him." This letter is dated the 6th November; he was arraigned on the 10th, found guilty, and sentenced the same day. His execution took place on the 16th November, just one month after his escape. He exhibited great

* The following stanzas were written at the time, and appeared in the 'British Journal' of Nov. 28, 1724:—

"Thornhill, 'tis thine to gild with fame
The obscure and raise the humble name;
To make the form elude the grave,
And Sheppard from oblivion save.
Tho' life in vain the wretch implores,
An exile on the farthest shores,
Thy pencil brings a kind reprieve,
And bids the dying robber live.

* * * *

Apelles Alexander drew,
Cæsar is to Aurelius due,
Cromwell in Lilly's works doth shine,
And Sheppard, Thornhill, lives in thine."

coolness and effrontery during his trial. He told the Court that if they would let his handcuffs be put on he by his art would take them off before their faces. The most numerous crowds ever seen in London paid testimony to his notoriety as he passed through the streets; and Westminster Hall had not been so densely thronged in the memory of man as at the time of his trial. No pains were spared to ensure his safe custody in Newgate. He was chained to the floor in the condemned hold, and constantly watched night and day by two guards. But up to the last Sheppard entertained schemes for eluding justice. He had obtained a pen-knife by some means or other, and he had intended to cut his cords while actually in the cart going to Tyburn, throw himself in amongst the crowd at a place called Little Turnstile, and run for his life through the narrow passage along which the mounted officers could not follow him. But this plan was nullified by the discovery of the knife on his person just before he left Newgate. It is said that he had also hopes of resuscitation, and that friends had agreed to cut him down promptly, and to apply the usual restoratives. This scheme, if it had ever existed, was probably rendered abortive by the proceedings of the mob after the execution.*

Sheppard had many imitators, but few equals. Possibly the ease with which he broke prison led to an increase in precautions, and I can find no other cases of evasion in Jack Sheppard's manner. There

* See *ante*, p. 268.

are several instances of attempted escapes by the reverse process, not over the walls, but through them or along the sewers. Burnworth, while in Newgate in 1726,* projected a plan of escape. He got an iron crow, and assisted by certain prisoners, pulled stones out of the walls, while others sung psalms to put the turnkeys off their guard. Next day the officers came to remove five convicts awaiting execution, but found the room so full of stones and rubbish that some hours elapsed before the prisoners could be got out. Burnworth made another but equally ineffective attempt next day. Joshua Dean, capitally convicted in 1731 for counterfeiting stamps, formed a design with seven other prisoners awaiting transportations to the plantations to break gaol. They found means to get down into the common sewer no doubt by taking up the floor. Thence four of them reached a vault under a house in Fleet Lane, and so into the shop through which three got off, but the fourth was secured and carried back to Newgate. The fate of two at least of the remaining three was not known till long afterwards. In 1736, a certain Daniel Malden, who had already escaped once, again got out of Newgate by sawing his chains near the staple, by which they were fastened to the wall of the condemned hold, and getting through the brickwork, dropped into the common sewer. "Several persons were employed to search after him, but to no purpose, though the chains about him weighed nearly a hundred pounds."

* See *ante*, p. 254.

Malden was not discovered, but the searchers came upon "the bodies of two persons who had been smothered in trying to escape." These were no doubt two of those mentioned above. This method of evasion continued to be practised till long afterwards. In 1785 two convicts cut a hole in the floor of their cell, and got into the common sewer to make their escape. "But wading till they were almost suffocated, they at length reached the gully-hole, and calling for help, were taken out alive, but too weak to walk, and carried to their former quarters."

Daniel Malden, who twice, in 1735 and 1736, escaped from the condemned hold in Newgate in a manner little less surprising, although less notorious than Jack Sheppard, had been a man-of-war's-man, and served in several of her Majesty's ships. After his discharge he took to burglary and street-robberies, for which he was presently arrested and sentenced to suffer death. While lying in the condemned hold, on the very morning of his execution he effected his escape. A previous occupant of the same cell in the condemned hold had told him that a certain plank was loose in the floor, which he found to be true. Accordingly, between ten and eleven on the night of October 21st, 1736, before execution, he began to work, and raised up the plank with the foot of a stool that was in the cell. He soon made a hole through the arch under the floor big enough for his body to pass through, and so dropped into a cell below from which another convict had previously escaped. The window-bar of

this cell remained cut just as it had been left after this last escape, and Malden easily climbed through with all his irons still on him into the press-yard. When there he waited a bit, till, seeing "all things quiet," he pulled off his shoes and went softly up into the chapel, where he observed a small breach in the wall. He enlarged it and so got into the penthouse. Making his way through the penthouse he passed on to the roof. At last, using his own words, "I got upon the top of the cells by the ordinary's house, having made my way from the top of the chapel upon the roofs of the houses, and all round the chimneys of the cells over the ordinary's house"; from this he climbed along the roofs to that of an empty house, and finding one of the garret windows open, entered it and passed down three pairs of stairs into the kitchen, where he put on his shoes again, "which I had made shift to carry in my hand all the way I came, and with rags and pieces of my jacket wrapped my irons close to my legs as if I had been gouty or lame; then I got out at the kitchen window, up one pair of stairs into Phœnix Court, and from thence through the streets to my home in Nightingale Lane."

Here he lay till six a.m., then sent for a smith who knocked off his irons, "and took them away with him for his pains." Then he sent for his wife, who came to him; but while they were at breakfast, hearing a noise in the yard he made off, and took refuge at Mrs. Newman's, "the sign of the Blackboy, Millbank; there I was kept private and locked up four days

alone and no soul by myself." Venturing out on the fifth day he heard they were in pursuit of him, and again took refuge, this time in the house of a Mrs. Franklin. From thence he despatched a shoemaker with a message to his wife, and letters to two gentlemen in the city. But the messenger betrayed him to the Newgate officers, and in about an hour "the house was beset. I hid myself," says Malden,* "behind the shutters in the yard, and my wife was drinking tea in the house. The keepers seeing her, cried, 'Your humble servant, madam; where is your spouse?' I heard them, and knowing I was not safe, endeavoured to get over a wall, when some of them espyed me, crying, 'Here he is!' upon which they immediately laid hold of me, carried me back to Newgate, put me into the old condemned hold as the strongest place, and stapled me down to the floor."

Nothing daunted by this first failure he resolved to attempt a second escape. A fellow-prisoner conveyed a knife to him, and on the night of June 6th, 1737, he began to saw the staple to which he was fastened in two. His own story is worth quoting.

"I worked through it with much difficulty, and with one of my irons wrenched it open and got it loose. Then I took down, with the assistance of my knife, a stone in front of the seat in the corner of the condemned hold: when I had got the stone down, I found there was a row of strong iron bars under the seat through which I could not get, so I

* Ordinary's account of executions, Nov. 1736.

was obliged to work under these bars and open a passage below them. To do this I had no tool but my old knife, and in doing the work my nails were torn off the ends of my fingers, and my hands were in a dreadful, miserable condition. At last I opened a hole just big enough for me to squeeze through, and in I went head foremost, but one of my legs, my irons being on, stuck very fast in the hole, and by this leg I hung in the inside of the vault with my head downward for half an hour or more. I thought I should be stifled in this sad position, and was just going to call out for help when, turning myself up, I happened to reach the bars. I took fast hold of them by one hand, and with the other disengaged my leg to get it out of the hole."

When clear he had still a drop of some thirty feet, and to break his fall he fastened a piece of blanket he had about him to one of the bars, hoping to lower himself down; but it broke, and he fell with much violence into a hole under the vault, "my fetters causing me to fall very heavy, and here I stuck for a considerable time." This hole proved to be a funnel, "very narrow and straight; I had torn my flesh in a terrible manner by the fall, but was forced to tear myself much worse in squeezing through." He stuck fast and could not stir either backward or forward for more than half an hour. "But at last, what with squeezing my body, tearing my flesh off my bones, and the weight of my irons, which helped me a little here, I worked myself through."

The funnel communicated with the main sewer, in which, as well as he could, he cleaned himself. "My shirt and breeches were torn in pieces, but I washed them in the muddy water, and walked through the sewer as far as I could, my irons being very heavy on me and incommoding me much." Now a new danger overtook him: his escape had been discovered and its direction. Several of the Newgate runners had therefore been let into the sewer to look for him. "And here," he says, "I had been taken again had I not found a hollow place in the side of the brick-work into which I crowded myself, and they passed by me twice while I stood in that nook." He remained forty-eight hours in the sewer, but eventually got out in a yard "against the pump in Town Ditch, behind Christ's Hospital." Once more he narrowly escaped detection, for a woman in the yard saw and suspected him to be after no good. However, he was suffered to go free, and got as far as Little Britain, where he came across a friend who gave him a pot of beer and procured a smith to knock off his fetters.

Malden's adventures after this were very varied. He got first to Enfield, when some friends subscribed forty-five shillings to buy him a suit of clothes at Rag Fair. Thence he passed over to Flushing, where he was nearly persuaded to take foreign service, but he refused and returned to England in search of his wife. Finding her, the two wandered about the country taking what work they could find. While at Canterbury, employed in the hop-fields, he was

nearly discovered by a fellow who beat the drum in a show, and who spoke of him openly as "a man who had broken twice out of Newgate." Next he turned jockey, and while thus employed was betrayed by a man to whom he had been kind. Malden was carried before the Canterbury justices on suspicion of being the man who had escaped from Newgate, and a communication sent to the authorities of that prison. Mr. Akerman and two of his officers came in person to identify the prisoner, and, if the true Malden, to convey him back to London. But Malden once more nearly gave his gaolers the slip. He obtained somehow an old saw, "a spike such as is used for splicing ropes, a piece of an old sword jagged and notched, and an old knife." These he concealed rather imprudently upon his person, where they were seen and taken from him, otherwise Mr. Akerman, as Malden told him, "would have been like to have come upon a Canterbury story" instead of the missing prisoner. However, the Newgate officers secured Malden effectually, and brought him to London on the 26th September, 1736, which he reached "guarded by about thirty or forty horsemen, the roads all the way being lined with spectators." "Thus was I got

MR. AKERMAN.

to London," he says in his last dying confession, "handcuffed, and my legs chained under the horse's belly; I got to Newgate that Sunday evening about five o'clock, and rid quite up into the lodge, where I was taken off my horse, then was conveyed up to the old condemned hole, handcuffed and chained to the floor."

On Friday the 15th October, the last day of sessions, Malden was called into Court and informed that his former judgment of death must be executed upon him, and he was accordingly hanged upon the 2nd November following.

Stratagem and disguise in some shape or other were, however, the most favourite and generally the most successful forms of escape. Extraordinary and quite culpable facilities for changing clothes were given by the lax discipline of the prison. The substitution of persons, devoted wife or friend, taking the place of the accused, as in the story of Sydney Carton, as told by Dickens, or the well-known exchange between Lord and Lady Nithsdale, occurred too at Newgate. George Flint, an imprisoned journalist, who continued to edit his objectionable periodical from the prison, got away in the costume of a footman. His wife was suffered to live with him, and helped him to the disguise. She concealed the escape for two or three days, pretending that her husband was dangerously ill in bed, "and not fit to be disturbed;" for which fidelity to her husband, who was now beyond the seas, having made the most of the time thus gained, Mrs. Flint was

cast into the condemned hold, and "used after a most barbarous manner to extort a confession." Another very similar and unsuccessful case was that of Alexander Scott, a highwayman suspected of robbing the Worcester and Portsmouth mails. Scott attempted to get out in the "habit" of an oyster-woman, whom his wife had persuaded to favour their design. The change was made, and the lodge bell rung to give egress to Scott. Unfortunately for the prisoner the gate-keeper was dilatory. Meanwhile, an assistant turnkey, missing Scott, conjectured that he had escaped, and seeing the oyster-woman standing at the gate began to question her, and insisted upon looking at her face. Scott being at once detected, he struck the turnkey a blow in the face, hoping to knock him down. A scuffle ensued, the turnkey proved the strongest, and Scott was secured.

Female disguise was one of the many methods employed to compass escape by the imprisoned Jacobites after the '15, but not always successfully. Mr. Barlow of Burton Hall tried it among others. In the first instance a crazy woman, Elizabeth Powell, well known in Westminster Market, came to Mr. Barlow with a whole suit of female apparel, but "he, fearing it might be a trick, or that he might fail in the attempt, discovered her." A week or two later, as if inspired by the proposal, Mr. Barlow did make the attempt. Close shaved and neatly dressed in female clothes, he came to the gate with a crowd of ladies who had been visiting their Jacobite friends,

hoping to pass out unobserved with the others. But the turnkey—escapes had been very frequent, and all officials were on the alert—caught hold of him, turned him about, and in the struggle threw him down. The rest of the women cried out in a lamentable tone, "Don't hurt the poor lady; she is with child;" and some of them cried, "Oh, my dear mother!" whereupon the turnkey, convinced he had to do with a lady, let him go. Mr. Barlow, says the account, acted the part to the life. He was padded, his face was painted red and white, and he would certainly have made his escape had not Mr. Carleton Smith, one of the special commissioners appointed to ensure the safe custody of the rebels, strictly examined the would-be fugitive and detected his disguise. Mr. Barlow offered Smith ten guineas to let him go, but instead of accepting the bribe, Mr. Smith carried his prisoner just as he was, in female disguise, before the Court then sitting at the Old Bailey. Mr. Barlow declared that the clothes had been brought him by his wife. "The Court," goes on the account, "was very well pleased to see him thus metamorphosed, but ordered him to be put in heavy irons, and the clothes to be kept as a testimony against him."

The circumstances under which Mr. Pitt the governor of Newgate was superseded in his functions have been described in a previous chapter. Mr. Pitt was so strongly suspected of Jacobite leanings that he was tried for his life. No doubt escapes were scandalously frequent during his *régime*, and it is just possible

that they were due to the governor's complicity, although Mr. Pitt was actually acquitted of the charge. More probably they owed their success to the ingenuity of desperate men easily triumphing over the prevailing carelessness of their keepers. The first escape which made a considerable noise was that of Mr. Forster, commonly known as General Forster, who headed the Northumbrian rising in 1715, and lost the battle of Preston Pans. Mr. Forster was allowed considerable liberty, and lodged in apartments in the keeper's house. One afternoon, when Forster and another were drinking French wine with Mr. Pitt, Mr. Forster sent his servant to fetch a bottle of wine from his own stock to "make up the treat." The servant on pretence of going to the vault left the room. Being long away, Mr. Forster pretended to be very angry, and followed him out of the room. Meanwhile the servant had sent the governor's black man, a species of hybrid turnkey, down to the cellar for the wine, and had locked him up there. The black thus disposed of, Forster's servant returned and waited for his master just outside Mr. Pitt's parlour door. Being an adept at the locksmith's art as well as a smart intelligent fellow, the servant had previously obtained an impression in clay of Mr. Pitt's front door key, and had manufactured a counterfeit key. Directly Mr. Forster appeared, the front door was unlocked, master and servant passed through and went off together, first taking care to lock the door on the outside and leave

the key in the lock to prevent their being readily pursued. Mr. Forster got to Prittlewell in Essex by four o'clock next morning with two more horsemen that had been waiting to attend them. From Prittlewell they hastened on to Leigh, where a vessel was provided, in which they made a safe voyage to France. "By this it appears," says the chronicler, evidently a stout whig, "that Mr. Forster was much better skilled in contriving an escape than leading an army, which shows the weakness of the Pretender and his council, who put so great a trust in the hands of a person who was altogether unfit for it, and never made other campaign than to hunt a fox and drink down his companions."

The next attempt was on a larger scale. It was planned by Brigadier Macintosh, with whom were Mr. Wogan, two of the Delmehoys, Mr. James Talbot, and the brigadier's son, with several others, to the number of fifteen in all. The prime mover was the brigadier, who, having "made a shift to get off his irons, and coming down with them in his hand under his gown, caused a servant to knock at the gaol door outside, himself sitting close by it." As soon as the door was opened he pushed out with great violence, knocking down the turnkey and two or three of the sentinels. One of the soldiers made a thrust at him with his bayonet; but the brigadier parried the charge, seized the piece, unscrewed the bayonet, and "menaced it at the breast of the soldier, who thereupon gave way and suffered him and fourteen more

to get into the street." Eight of the fugitives were almost immediately recaptured, but the other gentlemen got clean off. One of them was Mr. James Talbot, who, unhappily, fell again into the hands of the authorities. He was discovered by the chance gossip of a garrulous maid-servant, who, chattering at an ale-house in Windmill Street, near the Haymarket, said her master had a cousin come to see him who had the whitest hands she ever saw in her life. This caused suspicion, and suspicion brought discovery. A reward of £500 had been offered by proclamation for the arrest of any fugitives, except the brigadier, who was valued at £1000, and Talbot was given up.

The escapes did not end here. The next to get away was Mr. George Budden, an upholsterer, who had a shop near Fleet Bridge, a Jacobite, but not in the rebellion of '15. He effected his escape at the time when Mr. Pitt was himself a prisoner, suspected of collusion in the previous evasions. Mr. Budden's plan was simple. He was possessed of money, and had friends who could help to convey him away could he but get out of Newgate. One night as he sat drinking with the head turnkey, Mr. Budden purposely insulted the officer grossly, and even went so far as to strike him. The turnkey was furious, and carried off his prisoner to the lodge, there to be heavily ironed, Mr. Budden trusting that either on the way there or back he might contrive to escape. On reaching the lodge Mr. Budden apologised and "made

atonement to the good-natured keeper, who was a little mellower than ordinary," and was led back to his former apartment; on the way he turned up the keeper's heels and made off through the gate. Once outside, Budden ran into Newgate Market, and thence by many windings and turnings out of London, riding post haste seventy miles to the coast, and so across to France.

There were other attempts, such as that of Mr. Robertson, who tried to make off in a clergyman's habit, but was discovered and stopped before he had passed one of the doors; and of Mr. Ramsay, who escaped with the crowd that came to hear the condemned sermon. Now and then there was the concerted action of a number, as when the prisoners thronged about the gates in order to make their escape; "and to promote the design the High Church cobbler fought with one of the servants, which occasioned a great disturbance and confusion." Trouble, again, was only prevented by timely warning that there was a design to convey large iron crows to the rebels, by which they might beat open the gaol and escape. The most important and about the last of the rebel escapes was that of Mr. Ratcliffe, brother of the unfortunate Lord Derwentwater. This was effected so easily, indeed, with so much cool impudence, that connivance must assuredly have been bought. Mr. Ratcliffe seized his opportunity one day when he was paying a visit to Captain Dalziel and others on the master's side. At the gate he met by previous

agreement a "cane-jobber," or person who sold walking-sticks, and who had once been an inmate of Newgate himself. Mr. Ratcliffe paused for a time and bargained for a cane, after which he passed under the iron chain at the gate, and upon the cane-seller's saying that he was no prisoner, the turnkey and guard suffered Ratcliffe to get off. The author of the 'History of the Press-Yard' says that Mr. Ratcliffe bribed the officer, "which," as another writer adds, "must be owned to be the readiest way to turn both lock and key."

Mr. Ratcliffe, thirty years later, paid the penalty to the law which he had escaped on this occasion. A warm adherent of the Pretender, he embarked from France for Scotland to take part in the Jacobite rising in 1745. The French ship was captured, and Ratcliffe sent as a prisoner to the Tower. He was presently arraigned at the Bar of the King's Bench for having escaped from Newgate in 1716, when under sentence of death for high treason. Ratcliffe at first refused to plead, declaring that he was a subject of the French king, and that the court had no jurisdiction over him. Then he denied that he was the person named in the record produced in court, whereupon witnesses were called to prove that he was Charles Ratcliffe. Two Northumbrian men identified him as the leader of five hundred of the Earl of Derwentwater's men, remembering him by the scar on his face. They had been to see him in the Tower, and could swear to him; but could not swear that he was the same Charles Ratcliffe who had escaped from Newgate prison. A barber who had

been appointed "close shaver" to Newgate in 1715, and who attended the prison daily to shave all the rebel prisoners, remembered Charles Ratcliffe, Esq., perfectly as the chum or companion of Basil Hamilton, a reputed nephew of the Duke of Hamilton; but this barber, when closely pressed, could not swear that the prisoner at the bar was the very same Charles Ratcliffe whom he had shaved, and who had afterwards escaped out of Newgate. No evidence indeed was forthcoming to positively fix Mr. Ratcliffe's identity; but "a gentleman" was called who deposed that the prisoner had in the Tower declared himself to be the same Charles Ratcliffe who was condemned in the year 1716, and had likewise told him, the witness, that he had made his escape out of Newgate in mourning, with a brown tye wig, when under sentence of death in that gaol. Upon this evidence the judge summed up against the prisoner, the jury found a verdict of guilty, and Ratcliffe was eventually beheaded on Tower Hill.

CHAPTER VIII.

THE GAOL CALENDAR.

Newgate Calendars—Their editors and publishers—All based on Sessions' papers—Demand for this literature fostered by prevalence of crime—Brief summary of state of crime in the first half of the 18th century—State of the Metropolis—Street robberies—Burglaries—Henry Fielding on the increase of robbers—The Thieves' Company—The Revolution Club—Firearms in the Law Courts—Causes of the increase of crime—Drunkenness—The Gin Act—Gaming universal—Faro's daughters—Lotteries—Repression of crime limited to hanging—No police—The Charlies or watchmen—Civil power lethargic—Efforts made by private societies for reformation of manners—Character of crimes—Murders, duels, and affrays—Richard Savage, the poet, in Newgate for murder—Major Oneby for murder, commits suicide—Marquis de Paleoti for murdering his man-servant—Colonel Charteris for rape, sentenced to death, but pardoned—Crime in high place—The Earl of Macclesfield, Lord Chancellor, convicted of venal practices—Embezzlement by public officials—Crimes more commonplace, but more atrocious—Murder committed by Catherine Hayes and her accomplices—She is burnt alive for petty treason—Sarah Malcolm the Temple murderess—Other prominent and typical murders—Jack Ketch hanged for murder—Wife murderers, Houssart, Vincent Davis, George Price, Edward Joines, John Williamson—Theodore Gardelle, the murderer of Mrs. King—Two female murderers—Mrs. Meteyard—Her cruelty to a parish apprentice—Elizabeth Brownrigg beats Mary Clifford to death.

Prison calendars obviously reflect the criminal features of the age in which they appear. Those of

Newgate since the beginning of the eighteenth century are numerous and voluminous enough to form a literature of their own. To the diligence of lawyers and publishers we owe a more or less complete collection of the most remarkable cases as they occurred. These volumes have been published under various titles. The 'Newgate Calendar,' compiled by Messrs. Knapp and Baldwin, attorneys-at-law, is one of the best known. This work, according to its title-page, professes to contain "interesting memoirs of notorious characters who have been convicted of outrages on the law of England; with essays on crimes and punishments and the last exclamations of sufferers." There are many editions of it. The first I think was published by Nuttall, Fisher, and Dixon, of Liverpool; a later edition issues from the Albion Press, Ivy Lane, London, under the auspices of J. Robins and Co. But another book of similar character had as its compiler "George Theodore Wilkinson, Esq.," barrister-at-law. It was published by Cornish and Co. in 1814, and the work was continued by "William Jackson, Esq.," another barrister, with Alexander Hogg, of Paternoster Row, and by Offor and Sons of Tower Hill as publishers. Early and perfect editions of these works are somewhat rare and curious, fondly sought out and carefully treasured by the bibliophile. But all of them were anticipated by the editors of the 'Tyburn Calendar,' or 'Malefactor's Bloody Register,' which issued soon after 1700 from the printing office of G. Swindells, at the appropriate address of Hanging

Bridge, Manchester. The compilers of these volumes claimed a high mission. They desired "to fully display the regular progress from Virtue to Vice, interspersed with striking reflections on the conduct of those unhappy wretches who have fallen a sacrifice to the injured laws of their country. The whole tending to guard young minds from allurements of vice and the paths that lead to destruction." Another early work is the 'Chronicle of Tyburn, or Villainy displayed in all its branches,' which gave the authentic lives of notorious malefactors, and was published at the Shakespeare's Head in 1720. Yet another dated 1776, and printed for J. Wenman of 144, Fleet Street, bears the title of 'The Annals of Newgate,' and claims upon the title-page, that by giving the circumstantial accounts of the lives, transactions, and trial of the most notorious malefactors it is "calculated to expose the deformity of vice, the infamy, and punishments naturally attending those who deviate from the paths of virtue; and is intended as a beacon to warn the rising generation against the temptations, the allurements, and the dangers of bad company."

All Newgate calendars have seemingly a common origin. They are all based primarily upon the Sessions' Papers, the official publications which record the proceedings at the Old Bailey. There is a complete early series of these session papers in the Library of the British Museum, and another in the Home Office from the year 1730, including the December sessions of

1729. The publisher, who is stated on the title-page to be "T. Payne, at the corner of Ivy Lane, near Paternoster Row," refers in his preface to an earlier series, dating probably from the beginning of the century, and a manuscript note in the margin of the first volume of the second series also speaks of a preceding folio volume. These sessions papers did not issue from one publisher. As the years pass the publication changes hands. Now it is "J. Wilford, behind the Chapter House, St. Pauls"; now "I. Roberts at the Oxford Arms in Warwick Lane." Ere long "T. Applebee in Bolt Court, near the Leg Tavern," turns his attention to this interesting class of periodical literature. He also published another set of semi-official documents, several numbers of which are bound up with the sessions papers already mentioned, and like them supplying important data for the compilation of calendars. These were the accounts given by the ordinary of Newgate of the behaviour, confessions, and dying words of the malefactors "executed at Tyburn," a report rendered by command of the Mayor and corporation, but a private financial venture of the chaplains. As the ordinary had free access to condemned convicts at all times, and from his peculiar duties generally established the most confidential relations with them, he was in a position to obtain much curious and often authentic information from the lips of the doomed offenders. Hence the ordinary's account contained many criminal autobiographies, and probably was much patronized by the

public. Its sale was a part of the Reverend gentleman's perquisites; and that the chaplains looked closely after the returns may be gathered from the already mentioned application made by the Rev. Mr. Loraine, chaplain in 1804, who petitioned Parliament to exempt his "execution brochure" from the paper tax.*

In the advertisement sheets of these sessions' papers are notices of other criminal publications proving how great was the demand for this kind of literature. Thus in 1731 is announced 'The History of Executions: being a complete account of the thirteen malefactors executed at Tyburn for robberies, price 4*d.*,' and this publication is continued from year to year. In 1732 "T. Applebee and others" published at 3*s.* 6*d.* the 'Lives of the most Remarkable Criminals,' a volume containing as a frontispiece the escape of Jack Sheppard from Newgate. In the description of this book the public is assured that the volume contains a first and faithful narration of each, "without any additions of feigned or romantic adventures, calculated merely to entertain the curiosity of the Reader." Jack Sheppard had many biographers. Seven accurate and authentic histories were published, all purporting to give the true story of his surprising adventures, and bequeathing a valuable legacy to the then unborn historical novelist, Mr. Harrison Ainsworth. Again, Rich, the Manager of the Lincoln's Inn Theatre, brought out 'Harlequin Jack Sheppard' in the year of that desperado's

* See *ante*, p. 273.

execution, an operatic pantomime founded upon his exploits. A little before this another dramatic performance, the 'Beggars Opera,' having a criminal for its hero, had taken the town by storm; and many strongly and with reason condemned the degradation of national taste which could popularize the loves of 'Polly Peachum' and 'Captain Macheath.' Besides these books and plays there was a constant publication of broad-sheets and chap-books of a still lower type, intended to pander to the same unwholesome taste, while a great novelist like Fielding did not hesitate to draw upon his personal acquaintance with crime, obtained as a police magistrate, and write the life of Jonathan Wild.

The demand was no doubt fostered by the extraordinary prevalence of crime. Criminal records would probably be read with avidity at times when ruffianism was in the ascendant, and offences of the most heinous description were of daily occurrence. New crimes cropped up daily. The whole country was a prey to lawlessness and disorder. Outrages of all kinds, riots, robberies, murders, took place continually. None of the high-roads or bye-roads were safe by night or day. Horsemen in the open country, footpads in or near towns, laid wayfarers under contribution. Armed parties ranged the rural districts attacking country houses in force, driving off cattle and deer, and striking terror everywhere. The general turbulence often broke out into open disturbance. The Riot Act, which was a product of these times, was not passed before it

was needed. Riots were frequent in town and country. The mob was easily roused, as when it broke open the house of the Provost Marshal Tooley in Holborn, "to whom they owed a grudge for impressing men to sell as recruits to Flanders." * "They burnt his furniture in the street; many persons were killed and wounded in the affray." † Now political parties, inflamed with rancorous spirit, created uproars in the "mug houses"; now mutinous soldiers violently protested against the coarse linen of their "Hanover" shirts; again the idle flunkies at a London theatre rose in revolt against new rules introduced by the management and produced a serious riot.‡ In the country gangs of ruffians disguised in female attire, the forerunners of Rebecca and her daughter, ran a muck against turnpike gates, demolishing all they found. There were smuggling riots, when armed crowds overpowered the custom's officers and broke into warehouses sealed by the Crown; corn riots at periods of scarcity, when private granaries were forced and pillaged. A still worse crime prevailed—that of arson. I find in 'Hardwicke's Life' reference to a proclamation offering a reward for the detection of those who sent threatening letters "to diverse persons in the citys of London, Westminster, Bristol, and Exeter, requiring them to deposit certain sums of money in particular places, and threatening to sett fire to their houses, and to burn and destroy them and their families in case of refusal.

* Luttrell, iii. 1695. † *Ibid.*

‡ I have described this in detail in the next chapter.

some of which threats have accordingly been carried into execution."* Other threats were to murder unless a good sum were at once paid down. Thus Jepthah Big was tried in 1729 for writing two letters, demanding in one eighty-five guineas, in the other one hundred guineas from Nathaniel Newnham, "a fearful old man," and threatening to murder both him and his wife unless he got the money. Jepthah Big was found guilty and sentenced to death.

The state of the metropolis was something frightful in the early decades of the eighteenth century. Such was the reckless daring of evil-doers that there was but little security for life and property. Wright, in his 'Caricature History of the Georges,' says of this period, "robbery was carried on to an extraordinary extent in the streets of London even by daylight. Housebreaking was of frequent occurrence by night, and every road leading to the metropolis was beset by bands of reckless highwaymen, who carried their depredations into the very heart of the town. Respectable women could not venture in the streets alone after nightfall, even in the city, without risk of being grossly outraged." In 1720 ladies going to Court were escorted by servants armed with blunderbusses "to shoot at the rogues." Wright gives a detailed account of five-and-twenty robberies perpetrated within three weeks in January and February of the year above mentioned. A few of the most daring cases may be quoted. Three highwaymen stopped a

* 'Life of Lord Hardwicke,' i. 215.

gentleman of the Prince's household in Poland Street, and made the watchman throw away his lantern and stand quietly by while they robbed and ill-used their victim. Other highwaymen the same night fired at Colonel Montague's carriage as it passed along Frith Street Soho, because the coachman refused to stand; and the Duchess of Montrose, coming from Court in her chair, was stopped by highwaymen near Bond Street. The mails going out and coming into London were seized and rifled. Post-boys, stage-coaches, everybody and everything that travelled were attacked. A great peer, the Duke of Chandos, was twice stopped during the period above mentioned, but he and his servants were too strong for the villains, some of whom they captured. People were robbed in Chelsea, in Cheapside, in White Conduit Fields, in Denmark Street, St. Giles. Wade, in his 'British Chronology, under the head of public calamities in 1729, classes with a sickly season, perpetual storms, and incessant rains, the dangerous condition of the cities of London and Westminster and their neighbourhoods, which "proceeded from the number of footpads and street-robbers, insomuch that there was no stirring out after dark for fear of mischief. These ruffians knocked people down and wounded them before they demanded their money." Large rewards were offered for the apprehension of these offenders. Thief-catchers and informers were continually active, and the law did not hesitate to strike all upon whom it could lay its hands. Yet crime still flourished and increased year after year.

The Englishman's house, and proverbially his castle, was no more secure then than now from burglarious inroads. House-breakers abounded, working in gangs with consummate skill and patience, hand and glove with servants past and present, associated with receivers, and especially with the drivers of night coaches. Half the hackney coachmen about this time were in league with thieves, being bribed by nocturnal depredators to wait about when a robbery was imminent, and until it was completed. Then, seizing the chance of watchmen being off their beat, these useful accomplices drove at once to the receiver with the "swag."

Towards the middle of the century, Henry Fielding, the great novelist, and at that time acting magistrate for Westminster, wrote:* "I make no doubt but that the streets of this town and the roads leading to it will shortly be impassable without the utmost hazard; nor are we threatened with seeing less dangerous groups of rogues amongst us than those which the Italians call banditti. . . ." Again, "If I am to be assaulted and pillaged and plundered, if I can neither sleep in my own house, nor walk the streets, nor travel in safety, is not my condition almost equally bad whether a licensed or an unlicensed rogue, a dragoon or a robber be the person who assaults and plunders me?" Those who set the law at defiance organized themselves into gangs,

* 'An inquiry into the causes of the late increase of robbers,' &c. London: 1751.

and co-operated in crime. Fielding tells us in the same work that nearly a hundred rogues were incorporated in one body, "have officers and a treasury, and have reduced theft and robbery into a regular system." Among them were men who appeared in all disguises and mixed in all companies. The members of the society were not only versed in every art of cheating and thieving, but they were armed to evade the law, and if a prisoner could not be rescued, a prosecutor could be bribed, or some "rotten member of the law" forged a defence supported by false witnesses. This must have been perpetuated, for I find another reference later to the Thieves or Housebreaker's Company which had regular books, kept clerks, opened accounts with members, and duly divided the profits. According to the confession of two of the gang who were executed on Kensington Common, they declared that their profits amounted on an average to £500 a year, and that one of them had put by £2000 in the stocks, which before his trial he made over to a friend to preserve it for his family. Another desperate gang, Wade says, were so audacious that they went to the houses of the peace officers, and made them beg pardon for endeavouring to do their duty, and promise not to molest them. They went further, and even attacked and wounded a "head borough" in St. John's Street in about forty places, so that many of the threatened officers had to "lie in Bridewell for safety."

In Harris's 'Life of Lord Hardwicke' is a letter

from the solicitor to the Treasury to Sir Philip Yorke, referring to "the gang of ruffians who are so notorious for their robberies, and have lately murdered Thomas Bull in Southwark, and wounded others. Their numbers daily increase, and now become so formidable that constables are intimidated by their threats and desperate behaviour from any endeavour to apprehend them." One of these ruffians was described in the proclamation offering rewards for their apprehension as "above six feet high, black eyebrows, his teeth broke before;" another had a large scar under his chin.

Still worse was the "Resolution Club," a numerous gang, regularly organized under stringent rules. It was one of their articles, that whoever resisted or attempted to fly when stopped should be instantly cut down and crippled. Any person who prosecuted, or appeared as evidence against a member of the club, should be marked down for vengeance. The members took an "infernal oath" to obey the rules, and if taken and sentenced to "die mute." Another instance of the lawlessness of the times is to be seen in the desperate attack made by some forty ruffians on a watch-house in Moorfields, where an accomplice was kept a prisoner. They were armed with pistols, cutlasses, and other offensive weapons. The watchman was wounded, the prisoner rescued. After this the assailants demolished the watch-house, robbed the constables, "committed several unparalleled outrages, and went off in triumph." The gang was too numerous to be quickly subdued, but most of the rioters were

eventually apprehended, and it is satisfactory to learn that they were sentenced to imprisonment in Newgate for three, five, or seven years, according to the part they had played.

The contempt of the majesty of the law was not limited to the lower and dangerous classes. A gentleman's maid-servant, having resisted the parish officers who had a distress warrant upon the gentleman's house for unpaid rates, was committed by the magistrates to Newgate. "The gentleman," by name William Frankland, on learning what had happened, armed himself with a brace of pistols, and went to the office where the justices were then sitting, and asked which of them had dared to commit his servant to prison? "Mr. Miller," so runs the account, "smilingly replied, 'I did,' on which the gentleman fired one of his pistols and shot Mr. Miller in the side, but it is thought did not wound him mortally. He was instantly secured and committed to Newgate." At the following Old Bailey sessions, he was tried under the Black Act, when he pleaded insanity. This did not avail him, and although the jury in convicting him strongly recommended him to mercy he was sentenced to death. Another case of still more flagrant contempt of court may fitly be introduced here. At the trial of a woman named Housden for coining at the Old Bailey in 1712, a man named Johnson, an ex-butcher and highwayman by profession, came into court and desired to speak to her. Mr. Spurling, the principal turnkey of Newgate, told him no person could be permitted to speak to the

prisoner, whereupon Johnson drew out a pistol and shot Mr. Spurling dead upon the spot, the woman Housden loudly applauding his act. The court did not easily recover from its consternation, but presently the recorder suspended the trial of the woman for coining, and as soon as an indictment could be prepared, Johnson was arraigned for the murder, convicted, and then and there sentenced to death, the woman Housden being also sentenced at the same time as an accessory before and after the fact.

Various causes are given for this great prevalence of crime. The long and impoverishing wars of the early years of the century, which saddled us with the national debt, no doubt produced much distress, and drove thousands who could not or would not find honest work, into evil ways. Manners among the highest and the lowest were generally profligate. Innumerable places of public diversion, ridottos, balls, masquerades, tea-gardens, and wells, offered crowds a ready means for self-indulgence. Classes aped the habits of the classes above their own, and the love of luxurious gratification "reached to the dregs of the people," says Fielding, "who, not being able by the fruits of honest labour to support the state which they affect, they disdain the wages to which their industry would entitle them, and abandoning themselves to idleness, the more simple and poor-spirited betake themselves to a state of starving and beggary, while those of more art and courage become thieves, sharpers, and robbers."

Drunkenness was another terrible vice, even then more rampant and wildly excessive than in later years. While the aristocracy drank deep of Burgundy and port, and every roaring blade disdained all heel-taps, the masses fuddled and besotted themselves with gin. This last-named pernicious fluid was as cheap as dirt. A gin-shop actually had on its sign the notice, "Drunk for 1*d.*; dead drunk for 2*d.*; clean straw for nothing," which Hogarth introduced into his caricature of Gin Lane. No pencil could paint, no pen describe the scenes of hideous debauchery hourly enacted in the dens and purlieus of the town. Legislation was powerless to restrain the popular craving. The Gin Act, passed in 1736 amidst the execrations of the mob, which sought to vent its rage upon Sir Joseph Jekyll, the chief promoter of the Bill, was generally evaded. The much-loved poisonous spirit was still retailed under fictitious names, such as Sangree, Tow Row, the Makeshift, and King Theodore of Corsica. It was prescribed as a medicine for cholic to be taken two or three times a day. Numberless tumults arose out of the prohibition to retail spirituous liquors, and so openly was the law defied, that twelve thousand persons were convicted within two years of having sold them illegally in London. Informers were promptly bought off or intimidated, magistrates "through fear or corruption" would not convict, and the Act was repealed in the hope that more moderate duty and stricter enforcement of the law would benefit the revenue and yet lessen consumption. The first was

undoubtedly affected, but hardly the latter. Fielding, writing nearly ten years after the repeal of the Act, says that he has reason to believe that "gin is the principal sustenance (if it may be so called) of more than a hundred thousand people in the metropolis," and he attributed to it most of the crimes committed by the wretches with whom he had to deal. "The intoxicating draught itself disqualifies them from any honest means to acquire it, at the same time that it removes sense of fear and shame, and emboldens them to commit every wicked and desperate enterprise."

The passion for gaming, again, "the school in which most highwaymen of great eminence have been bred," * was a fruitful source of immoral degeneracy. Every one gambled. In the 'Gentleman's Magazine' for 1731 there is the following entry: "At night their majesties played for the benefit of the groom porter, and the king (George II.) and queen each won several hundreds, and the Duke of Grafton several thousands of pounds." His Majesty's lieges followed his illustrious example, and all manner of games of chance with cards or dice, such as hazard, Pharoah, basset, roly-poly, were the universal diversion in clubs, public places, and private gatherings. The law had thundered, but to no purpose, against "this destructive vice," inflicting fines on those who indulged in it, declaring securities won at play void, with other penalties, yet gaming throve and flourished. It was

* Fielding, 'Robbers,' p. 35.

fostered and encouraged by innumerable hells, which the law in vain strove to put down. Nightly raids were made upon them. In the same number of the 'Gentleman's Magazine' as that just quoted it is recorded that "the High Constable of Holborn searched a notorious gaming-house behind Gray's Inn Road; but the gamesters were fled, only the keeper was arrested and bound over for £200." Again, I find in Wade's 'Chronology' that "Justice Fielding, having received information of a rendezvous of gamesters in the Strand, procured a strong party of the Guards, who seized forty-five of the tables, which they broke to pieces, and carried the gamesters before the justice... Under each of the broken tables were observed two iron rollers and two private springs, which those who were in the secret could touch and stop the turning whenever they had flats to deal with." No wonder these establishments throve. They were systematically organized, and administered by duly appointed officers. There was the commissioner who checked the week's accounts and pocketed the takings; a director to superintend the room; an operator to deal the cards, and four to five *croupiers*, who watched the cards and gathered in the money of the Bank Besides these there were "puffs," who had money given them to decoy people to play; a clerk and a *squib*, who were spies upon the straight dealings of the puffs; a flasher to swear how often the bank was stripped; a dunner to recover sums lost; a waiter to snuff candles and fill in the wine; and an attorney or

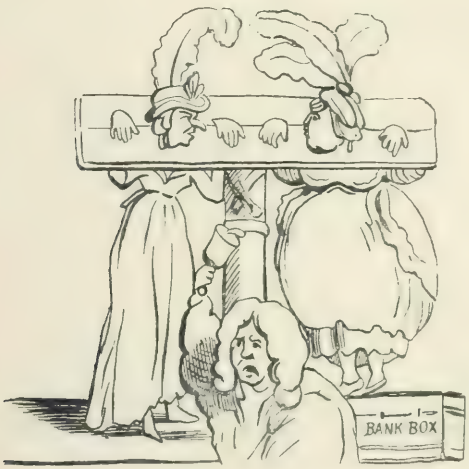
"Newgate solicitor." A flash captain was kept to fight gentlemen who were peevish about losing their money; at the door was a porter, "generally a soldier of the foot guards," * who admitted visitors after satisfying himself that they were of the right sort. The porter had aides-de-camp and assistants—an "orderly man," who patrolled the street and gave notice of the approaching constables; a "runner," who watched for the meetings of the justices and brought intelligence of the constables being out; and a host of linkboys, coachmen, chairmen, drawers to assist, with common-bail affidavit men, ruffians, bravos, and assassins for any odd job that might turn up requiring physical strength.

As the years passed the vice grew in magnitude. Large fortunes were made by the proprietors of gaming-houses, thanks to the methodized employment of capital, embarked regularly as in any other trading establishment, the invention of E. O. tables, and the introduction of the "foreign games of roulet and rouge et noir. Little short of a million must have been amassed in this way," † individuals having acquired from £10,000 to £100,000 a-piece. The number of establishments daily multiplied. They were mounted regardless of expense. Open house

* Soldiers in the Guards, after long and faithful service, were granted leave of absence from military duty in order to take civil situations which did not monopolize all their time. By this means they eked out their scanty pay.

† 'A Treatise on the Police of the Metropolis,' by P. Colquhoun, LL.D. London, 1800.

was kept, and luxurious dinners laid for all comers. Merchants and bankers' clerks entrusted with large sums were especially encouraged to attend. The cost of entertainment in one house alone was £8000 for eight months, while the total expenditure on all as much as £150,000 a year. The gambling-house keepers, often prize-fighters originally, or partners admitted for their skill in card-sharping or cogging



Faro's Daughters.

dice, possessed such ample funds that they laughed at legal prosecutions. Witnesses were suborned, officers of justice bribed, informers intimidated. Armed ruffians and bludgeon men were employed to barricade the houses and resist the civil power. Private competed with public hells. Great ladies of fashion, holding their heads high in the social world, made their drawing-rooms into gambling places, into which

young men of means were enticed and despoiled. This was called "pidgeoning," and probably originated the expression. The most noted female gamesters were Lady Buckinghamshire, Lady Archer, Lady Mount Edgecombe, a trio who had earned for themselves the soubriquet of "Faro's Daughters." Their conduct came under severe reprehension of Lord Kenyon, who, in summing up a gambling case, warned them that if they came before him in connection with gambling transactions, "though they should be the first ladies of the land," they should certainly exhibit themselves in the pillory. This well-merited threat was reproduced in various caricatures of the day, under such heads as, "Ladies of Elevated Rank"; "Faro's Daughters, Beware!" "Discipline *à la* Kenyon."

The Government itself was in a measure responsible for the diffusion of the passion for gambling. The pernicious custom of public lotteries practically legalized this baneful vice. State lotteries began in the reign of Elizabeth, and existed down to 1826. They brought in a considerable revenue, but they did infinite mischief by developing the rage for speculation, which extended to the whole community. The rich could purchase whole tickets, or "great goes"; for the more impecunious the tickets were subdivided into "little goes." Those who had no tickets at all could still gamble at the lottery insurance offices by backing any particular number to win. The demoralization was widespread. It reached a climax in the

South Sea bubble, when thousands and thousands were first decoyed, then cruelly deceived and beggared. But lotteries lingered on till the Government at length awoke to the degradation of obtaining an income from such a source.

While crime thus stalked rampant through the land, the law was nearly powerless to grapple and check it. It had practically but one method of repression—the wholesale removal of convicted offenders to another world. Of prevention as we understand it our forefathers had but little idea. The metropolis, with its ill-paved, dimly-lighted streets, was without police protection beyond that afforded by a few feeble watchmen, the sorely-tried and often nearly useless "Charlies." The administration of justice was defective; the justices had not sufficient powers; they were frequently "as regardless of the law as ignorant of it,"* or else were defied by pettifoggers and people with money in their pockets. "A mob of chairmen or servants, or a gang of thieves, are almost too big for the civil authority to repress;"† and the civil power generally, according to Fielding, was in a lethargic state. Yet private enterprise had sought for some time past to second the efforts of the State, and various societies for the reformation of manners laboured hard, but scarcely with marked success, to reduce crime. The first of these societies originated in the previous century by six private gentlemen, whose hearts were moved by the dismal and desperate state of the country "to

* Fielding, p. xxviii. † *Ibid*, p. xxix.

engage in the difficult and dangerous enterprise;" and it was soon strengthened by the addition of "persons of eminency in the law, members of Parliament, justices of the peace, and considerable citizens of London of known abilities and great integrity." There was a second society of about fifty persons, tradesmen, and others; and a third society of constables, who met to consider how they might best discharge their oaths; a fourth to give information; while other bodies of householders and officers assisted in the great work. These in one year, that of 1724, had prosecuted 2723 persons, and in the thirty-three years preceding 89,393; while in the same period they had given away 400,000 good books. However well meant and well directed were these efforts, it is to be feared that they were of little avail in stemming the torrent of crime which long continued to deluge the country, and which has far from abated even now.

The character of offences perpetrated will best be understood by passing from the general to the particular, and briefly indicating the salient points of a certain number of typical cases, all of which were in some way or other connected with Newgate. Crime was confined to no one class; while the lowest robbed with brutal violence, members of the highest stabbed and murdered each other on flimsy pretences, or found funds for debauchery in systematic and cleverly contrived frauds. Life was held very cheap in those days. Every one with any pretensions carried a sword, and appealed to it on the slightest excuse or

provocation. Murderous duels and affrays were of constant occurrence. So-called affairs of honour could only be washed out in blood. Sometimes it was a causeless quarrel in a club or coffee-house ending in a fatal encounter. Richard Savage the poet was tried for his life for a murder of this kind. In company with two friends, all three of them being the worse for drink, he forced his way into a private room in Robinson's coffee-house, near Charing Cross, occupied by another party carousing. One of Savage's friends kicked down the table without provocation. "What do you mean by that?" cried one side. "What do *you* mean?" cried the other. Swords were drawn, and a fight ensued. Savage, who found himself in front of one Sinclair, made several thrusts at his opponent, and ran him through the body. Lights were put out, and Savage tried to escape, but was captured in a back court. He and his associates were committed first to the gatehouse and thence to Newgate. Three weeks later they were arraigned at the Old Bailey, found guilty of murder, and cast for death.* The king's pardon was, however, obtained for Savage through the intercession of influential friends, but contrary, it is said, to the expressed wish of his mother. Savage was the illegitimate child of the Countess of Macclesfield, the fruit of a guilty intrigue

* Savage was tried before Sir Francis Page, commonly known as "the hanging judge," and whose severity was most notorious. He afterwards admitted that he had been most anxious to hang Savage. In his old age when his health was inquired after, he is reported to have replied, "I keep hanging on, hanging on."

with Captain Richard Savage, afterwards Earl Rivers. Lady Macclesfield was divorced, and subsequently married Lord Rivers; but she conceived a violent hatred for the child, and only consented to settle an annuity of £50 upon him when grown to man's estate, under threat of exposure in the first publication of Savage's poems. Savage, after his release from Newgate, retired into Wales, but he continued in very distressed circumstances, and being arrested for debt, lingered out the remainder of his days in Bristol Gaol.

The case of Major Oneby is still more typical of the times. He was a military officer who had served in Marlbro's wars, and not without distinction, although enjoying an evil reputation as a duellist. When the army lay in winter quarters at Bruges, he had been "out," and had killed his man; again in Jamaica he had wounded an adversary who presently died. After the peace of Utrecht Major Oneby was placed on half pay, and to eke out his narrow means he became a professional gambler, being seldom without cards and dice in his pocket. He was soon known as a swaggerer and a bully, with whom it was wisest not to quarrel. One night, however, he was at play in the Castle Tavern in Drury Lane, when a Mr. Gower and he fell out about a bet. Oneby threw a decanter at Gower, and Gower returned the fire with a glass. Swords were drawn, but at the interposition of others put up again. Gower was for making peace, but Oneby sullenly swore he would have the other's

blood. When the party broke up he called Gower into another room and shut the door. A clashing of swords was heard within, the waiter broke open the door, and the company rushed in to find Oneby holding up Gower with his left hand, having his sword in his right. Blood was seen streaming through Gower's waistcoat, and his sword lay upon the floor. Some one said to Oneby, "You have killed him;" but the Major replied, "No, I might have done it if I would, but I have only frightened him," adding, that if he had killed him in the heat of passion the law would have been on his side. But his unfortunate adversary did actually die of his wound the following day, whereupon Major Oneby was apprehended and locked up in Newgate. He was tried the following month at the Old Bailey, but the jury could not decide as to the exact measure of the Major's guilt, except that it was clear he had given the first provocation, while it was not denied he had killed the deceased.

A special verdict was agreed to, and the case with its various points referred to the twelve judges. The prisoner, who had hoped to escape with a conviction for manslaughter, was remanded to Newgate, and remained there in the State side without judgment for the space of two years. Becoming impatient, he prayed the Court of King's Bench that counsel might be heard in his case, and he was accordingly brought into Court before the Lord Chief Justice Raymond, when his counsel and those for the Crown were fully heard. The Judge reserved his judgment till he had

consulted his eleven brethren; but the Major, elated at the ingenious arguments of his lawyer, fully counted upon speedy release. On his way back to gaol he entertained his friends at a handsome dinner given at the Crown and Anchor Tavern.* He continued to carouse and live high in Newgate for several months more, little doubting the result of the Judges' conference. They met after considerable delay in Sergeant's Inn Hall, counsel was heard on both sides, and the pleadings lasted a whole day. A friend called in the evening, and told him when he was making merry over a bowl of punch that eleven of the Judges had decided against him. This greatly alarmed him; next day the keeper of Newgate (Mr. Akerman) came to put irons on him, unless he was prepared to pay for a special keeper to occupy the same room. Oneby was indignant, but helpless. He felt the ground slipping from under his feet, and he was almost prepared for the judgment delivered in open court that he had been guilty of murder, his threat that he would have Gower's blood having had great weight in his disfavour.

Oneby spent the days before execution in fruitless efforts to get relations and friends to use their influence in obtaining him a pardon. But to the first he was so overbearing that they would not visit him in Newgate, and the latter, if he had any, would not stir a finger to help him. His last moments seem to

* 'Celebrated Trials,' iii. 457. 'Newgate Calendar,' i. 39. Thornbury, in his 'Old Stories Retold,' calls it the King's Arms, on what authority he does not say.

have been spent between laughing at the broad jokes of his personal gaoler, who now never left him, one John Hooper, afterwards public executioner,* and fits of rage against those who had deserted him in his extremity. He was further exasperated by a letter from an undertaker in Drury Lane, who, having heard that the Major was to die on the following Monday, promised to perform the funeral "as cheap and in as decent a manner as any man alive." Another cause of annoyance was the publication of a broad sheet, entitled 'The Weight of Blood, or the Case of Major John Oneby,' the writer of which had visited the prisoner, ostensibly to offer to suppress the publication, but really as an "interviewer" to obtain some additional facts for his catch-penny pamphlet. The Major was so indignant that he laid a trap for the author by inviting him to revisit Newgate, promising himself the pleasure of thrashing him when he appeared, but the man declined to be caught. On the Saturday night before execution Oneby, learning that a petition had been presented and rejected, prepared to die. He slept soundly till four in the morning, then calling for a glass of brandy and writing materials, he wrote his will. It was brief, and to the following effect :

"Cousin Turvill, give Mr. Akerman, for the turnkey below stairs, half a guinea, and Jack Hooper who waits

* "What do you bring this fellow here for?" Oneby had cried to the keeper of Newgate when he appeared with Hooper. "Whenever I look at him I shall think of being hanged." Hooper had a forbidding countenance, but he was an inimitable mimic, and he soon made himself an agreeable companion to the condemned man.

in my room five shillings. The poor devils have had a great deal of trouble with me since I have been here." After this he begged to be left to sleep; but a friend called about seven, the Major cried feebly to his servant, "Philip, who is that?" and it was found that he was bleeding to death from a deep gash in his wrist. He was dead before a surgeon could be called in.

In these disastrous affrays both antagonists were armed. But reckless roysterers and swaggering bobadils were easily provoked, and they did not hesitate, in a moment of mad passion, to use their swords upon defenceless men. Bailiffs and the lesser officers of justice were especially obnoxious to these high-tempered bloods. I read in 'Luttrell,' under date Feb. 1698, "Captain Dancy of the Guards killed a bailiff in Exeter Street, and is committed to Newgate." Again in 1705, "Captain Carlton, formerly a Justice of the Peace for Middlesex, is committed to Newgate for running a Marshal's man through the body who endeavoured to arrest him on the parade by the Horse Guards in St. James' Park, of which wound it is thought the man will die." I can find no mention of the fate which overtook these murderers; but the 'Calendars' contain a detailed account of another murder of much the same kind, that perpetrated by the Marquis de Palcoti upon his servant, John Niccolo, otherwise John the Italian, in 1718. The Marquis had come to England to visit his sister, who had married the Duke of Shrewsbury in Rome, and

had launched out into a career of wild extravagance. The Duchess had paid his debts several times, but at length declined to assist him further. He was arrested and imprisoned, but his sister privately procured his discharge. After his enlargement, being without funds, the Marquis sent Niccolo to borrow what he could. But "the servant, having met with frequent denials, declined going, at which the Marquis drew his sword and killed him on the spot.* The Marquis seems to have hoped to have found sanctuary at the Bishop of Salisbury's, to whose house he repaired as soon as Niccolo's body was found. But he was arrested there after having behaved so rudely, that his sword, all bloody with gore, had to be taken from him, and he was conveyed to Newgate. His defence was weak, his guilt clear, and much to his surprise, he was sentenced to be hanged. He declared that it was disgraceful "to put a nobleman to death like a common malefactor for killing a servant;" but his plea availed little, and he suffered at Tyburn five weeks after the murder. Forty years later an English nobleman, Earl Ferrers, paid the same extreme penalty for murdering his steward. His lordship was tried by his peers, and after sentence until his execution was lodged in the Tower, and not in Newgate. His case is sufficiently well known, and has already been briefly referred to.

Another aristocratic miscreant, whose crimes only fell short of murder, was Colonel Francis Charteris. Well born, well educated, well introduced into life,

* 'Calendar,' i. 146.

he joined the army under Marlborough in the Low Countries as a cornet of horse, and soon became noted as a bold and dexterous gambler. His greed and rapacity were unbounded; he lent money at usurious rates to those whom he had already despoiled of large sums by foul play, and having thus ruined many of his brother officers, he was brought to trial, found guilty of disgraceful conduct, and sentenced by Court Martial to be cashiered. On his way back to Scotland, by falsely swearing he had been robbed at an inn, he swindled the landlord out of a large sum of money as an indemnity, and does not seem to have been called to account for his fraud. In spite of his antecedents, Charteris obtained a new commission through powerful friends, and was soon advanced to the grade of Colonel. Moving in the best society, he extended his gambling operations, and nearly robbed the Duchess of Queensbury of £3000 by placing her near a mirror, so that he could see all her cards. Escaping punishment for this he continued his depredations till he acquired a considerable fortune and several landed estates. Fate overtook him at last, and he became the victim of his own profligacy. Long notorious as an unprincipled and systematic seducer, by means of stratagems and bribes he effected the ruin of numbers, but was at length arrested on a charge of criminal assault. He lay in Newgate on the State side, lightly ironed, and enjoying the best of the prison until the trial at the Old Bailey in Feb. 1730. He was convicted and sentenced to die, but through the strenuous exertions

of his son-in-law, the Earl of Wemyss, obtained the king's pardon. He died two years later, miserably, in Edinburgh, whither he had retired after his release. He was long remembered with obloquy. Dr. Arbuthnot, who wrote his epitaph, has best depicted his detestable character, as a villain, "who with an inflexible constancy and inimitable impunity of life persisted, in spite of age and infirmity, in the practice of every human vice except prodigality and hypocrisy, his insatiable avarice exempting him from the first, and his matchless impudence from the latter, ... and who, having done every day of his life something worthy of a gibbet, was once condemned to one for what he had not done." Dr. Arbuthnot appears from this to have dissented from the verdict of the jury by which Charteris was tried.

In times of such general corruption it was not strange that a deplorable laxity of morals should prevail as regards trusts, whether public or private. Even a Lord Chancellor was found guilty of venal practices—the sale of offices, and the misappropriation of funds lodged in the Chancery Court. This was the twelfth Earl of Macclesfield,* who sought thus dishonestly to mend his fortunes, impaired, it was said, by the South Sea Bubble speculations. He was tried before his peers, found guilty, and declared for ever incapable of sitting in Parliament, or of holding any office under the Crown; and further sentenced

* The husband of the Lady Macclesfield, who was mother to Richard Savage. See *ante*, p. 340.

to a fine of £30,000 with imprisonment in the Tower until it was paid. Lord Macclesfield promptly paid his fine, which was but a small part of the money he had amassed by his speculations, and was discharged. "To the disgrace of the times in which he lived," says the biographer of Lord Hardwicke,* "the infamy with which he had been thus covered debarred him neither from the favour of the great nor even from that of his sovereign."

Various cases of embezzlement by public officials previous to this are mentioned by Luttrell. Frauds upon the Exchequer, and upon persons holding Government annuities, were not infrequent. The first entry in Luttrell is dated 1697, May, and is to the effect that "Mr. Marriott, an underteller in the Exchequer, arrested for altering an Exchequer bill for £10 to £100, pleaded innocency, but is sent to Newgate"; others were implicated, and a proclamation was issued offering a reward for the apprehension of Domingo Antumes, a Portuguese, Robert Marriott, and another for counterfeiting Exchequer bills. A little later another teller, Mr. Darby, is sent to Newgate on a similar charge, and in that prison Mr. Marriott "accuses John Knight, Esq., M.P., treasurer of customs, who is displaced." Marriott's confession follows: "He met Mr. Burton and Mr. Knight at Somerset House, where they arranged to get twenty per cent. by making Exchequer bills specie bills; they

* 'Life of Lord Chancellor Hardwicke,' by George Harris, i. 176.

offered Marriott £500 a year to take all upon himself if discovered. It is thought greater people are in it to destroy the credit of the nation." Following this confession, bills were brought into the House of Commons charging Burton, Knight, and Duncombe with embezzlement, but "blanks are left for the House to insert the punishment, which is to be either fine, imprisonment, or loss of estates." Knight was found guilty of endorsing Exchequer bills falsely, but not of getting money thereby. Burton was found guilty; Duncombe's name is not mentioned, and Marriott was discharged. But this does not end the business. In the May following "Mr. Ellers, master of an annuity office in the Exchequer, was committed to Newgate for forging people's hands to their orders, and receiving a considerable sum of money thereon." Again in October, "Bellingham, an old offender, was convicted of felony in forging Exchequer bills; and a Mrs. Butler, also for forging a bond of £20,000, payable by the executors of Sir Robert Clayton six years after his death." Later on (1708) I find an entry in Luttrell that Justice Dyot, who was a commissioner of the Stamp-office, was committed to Newgate for counterfeiting stamps, which others whom he informed against distributed. Of the same character as the foregoing was the offence of Mr. Lemon, a clerk in the Pell office of the Exchequer, who received £300 in the name of a gentlewoman deceased, and kept it, for which he was turned out of his place. Other unfaithful public servants were to be found

in other departments. Robert Lowther, Esq., was taken into custody on the 25th October, 1721, by order of the Privy Council, for his tyrannical and corrupt administration when Governor of the Island of Barbadoes. Twenty years later the House of Commons fly at still higher game, and commit the Solicitor of the Treasury to Newgate for refusing to answer questions put to him by the Secret Committee which sat to inquire into Sir Robert Walpole's administration. This official had been often charged with the Prime Minister's secret disbursements, and he was accused of being recklessly profuse.

Returning to meaner and more commonplace offenders, I find in the records full details of all manner of crimes. Murders the most atrocious and bloodthirsty, robberies executed with great ingenuity and boldness by both sexes, remarkable instances of swindling and successful frauds, early cases of forgery, coining carried out with extensive ramifications, piracies upon the high seas, long practised with strange immunity from reprisals. Perhaps the most revolting murder ever perpetrated, not excepting those of later date, was that in which Catherine Hayes assisted. The victim was her husband, an unoffending, industrious man, whose life she made miserable, boasting once indeed that she would think it no more sin to murder him than to kill a dog. After a violent quarrel between them she persuaded a man who lodged with them, named Billings, and who was either her lover or her illegitimate son, to join her in an attempt upon

Hayes. A new lodger, Wood, arriving, it was necessary to make him a party to the plot, but he long resisted Mrs. Hayes' specious arguments, till she clenched them by declaring that Hayes was an atheist and a murderer, whom it could be no crime to kill, moreover that at his death she would become possessed of £1500, which she would hand over to Wood. Wood at last yielded, and after some discussion it was decided to do the dreadful deed while Hayes was in his cups. After a long drinking bout, in which Hayes drank wine, probably drugged, and the rest beer, the victim dragged himself to bed and fell on it in a stupor. Billings now went in, and with a hatchet struck Hayes a violent blow on the head and fractured his skull; then Wood gave the poor wretch, as he was not quite dead, two other more blows and finished him. The next job was to dispose of the murdered man's remains. To evade identification Catherine Hayes suggested that the head should be cut off, which Wood effected with his pocket-knife. She then proposed to boil it, but this was over-ruled, and the head was disposed of by the men, who threw it into the Thames from a wharf near the Horseferry * at Westminster. They hoped that the damning evidence would be carried off by the next tide, but it remained floating near shore, and was picked up next day by a watchman, and handed over to the parish officers, by whom, when washed and the hair combed, it was placed on the top

* Where Lambeth Suspension Bridge now stands.

of a pole in the churchyard of St. Margaret's, Westminster. Having got rid of the head, the murderers next dealt with the body, which they dismembered, and packed the parts into a box. This was conveyed to Marylebone, where the pieces were taken out, wrapped in an old blanket, and sunk in a pond.

Meanwhile the exposed head had been viewed by curious crowds, and at last a Mr. Bennet, an organ-builder, saw a resemblance to the face of Hayes, with whom he had been acquainted; another person, a journeyman tailor, also recognized it, and inquiries were made of Catherine as to her husband. At first she threw people off the scent by confessing that Hayes had killed a man and absconded, but being questioned by several she told a different story to each, and presently suspicion fell upon her. As it had come out that Billings and Wood had been drinking with Hayes the last time he was seen, they were included in the warrant, which was now issued for the apprehension of the murderers. The woman was arrested by Mr. Justice Lambert in person, who had "procured the assistance of two officers of the Life Guards," and Billings with her. One was committed to the Bridewell, Tothill Fields, the other to the Gatehouse. Catherine's conduct when brought into the presence of her murdered husband's head almost passes belief. Taking the glass in which it had been preserved into her arms, she cried, "It is my dear husband's head," and shed tears as she embraced it. The surgeon having taken the head

out of the case, she kissed it rapturously, and begged to be indulged with a lock of his hair. Next day the trunk and remains of the corpse were discovered at Marylebone without the head, and the justices, nearly satisfied as to the guilt of Catherine Hayes, committed her to Newgate. Wood was soon after captured, and on hearing that the body had been found, confessed the whole crime. Billings shortly did the same ; but Mrs. Hayes obstinately refused to admit her guilt. This atrocious creature was for the moment the centre of interest : numbers visited her in Newgate, and sought to learn her reasons for committing so dreadful a crime ; but she gave different and evasive answers to all.

At her trial she pleaded hard to be exempted from the penalty of petty treason,* which was at that time burning, alleging that she was not guilty of striking the fatal blow. She was told the law must take its course. Billings and Wood hoped they might not be hung in chains, but received no answer. Wood actually died in prison before execution ; Billings suffered at Tyburn, and was hung in chains near the pond in Marylebone. Mrs. Hayes tried to destroy herself, but failed, and was literally burnt alive.† The

* The crime of petty treason was established when any person out of malice took away the life of another to whom he or she owed special obedience—as when a servant killed his master, a wife her husband, or an ecclesiastic his superior. The wife's accomplices in the murder of a husband were not deemed guilty of petty treason.

† The infamous Judge Jeffries in 1685 sentenced Elizabeth Gaunt to be burnt alive at Tyburn, for sheltering persons concerned in Monmouth's rebellion.

fire reaching the hands of the hangman, he let go the rope by which she was to have been strangled, and the flames slowly consumed her, as she pushed the blazing faggots from her, and rent the air with her agonized cries. Hers, which took place on 9th May, 1726, was not the last execution of its kind. In November, 1750, Amy Hutchinson was burnt at Ely, after a conviction of petty treason, having poisoned a husband newly married, whom she had taken to spite a truant lover. In 1767, again, Ann Sowerly underwent the same awful sentence at York. She also had poisoned her husband. Last of all, on the 10th March, 1788, a woman was burnt before the debtors' door of Newgate. Having been tied to a stake and seated on a stool, the stool was withdrawn and she was strangled. After that she was burnt. Her offence was coining. In the following year an Act was passed (30 Geo. III., cap. 48) which abolished this cruel custom of burning women for petty treason.

Sarah Malcolm was another female monster, a wholesale murderess, whose case stands out as one of peculiar atrocity even in those bloodthirsty times. She was employed as a laundress in the Temple, where she waited on several gentlemen, and had also access in her capacity of charwoman to the chambers occupied by an aged lady named Mrs. Duncombe.*

* As barristers often preferred to do business at their own homes, chambers in the Temple were rather at a discount just then, and their landlords, "preferring tenants of no legal skill to no tenants at all, let them out to any that offered, . . ." consequently many private people creep about the Inns of Court. — 'Newgate Calendar,' i. 470.

Sarah's cupidity was excited by the chance sight of her mistress's hoarded wealth, both in silver plate and broad coins, and she resolved to become possessed of it, hoping when enriched to gain a young man of her acquaintance named Alexander as her husband. Mrs. Duncombe had two other servants, Elizabeth Harrison, also aged, and a young maid named Ann Price, who resided with her in the Temple. One day (Feb. 2, 1733) a friend coming to call upon Mrs. Duncombe was unable to gain admittance. After some delay the rooms were broken into, and their three occupants were found barbarously murdered, the girl Price in the first room, with her throat cut from ear to ear, her hair loose, hanging over her eyes, and her hands clenched; in the next lay Elizabeth Harrison on a press bed, strangled; and last of all, old Mrs. Duncombe, also lying across her bed, quite dead. The strong box had been broken open and rifled.

That same night one of the barristers, returning to his chambers late, found Sarah Malcolm there kindling a fire, and after remarking upon her appearance at that strange hour, bade her begone, saying, that no person acquainted with Mrs. Duncombe should be in his chambers till the murderer was discovered. Before leaving she confessed to having stolen two of his waistcoats, whereupon he called the watch and gave her into custody. After her departure, assisted by a friend, the barrister made a thorough search of his rooms, and in a cupboard came upon a lot of linen stained with blood, also a silver tankard with blood

upon the handle. The watchmen had suffered Sarah to go at large, but she was forthwith rearrested; on searching her, a green silk purse containing twenty-one counters was found upon her, and she was committed to Newgate. There, on arrival, she sought to hire the best accommodation, offering two or three guineas for a room upon the Master Debtors' side. Roger Johnston, a turnkey, upon this searched her, and discovered "concealed under her hair," no doubt in a species of a chignon, "a bag containing twenty moidores, eighteen guineas, and a number of other broad pieces." This money she confessed had come from Mrs. Duncombe; but she stoutly denied all complicity with the murder, or that she had done more than contrive the robbery. She charged two brothers, named Alexander, one of whom she desired to marry, and a woman, Mary Tracy, with the greater crime. Upon her information they were arrested and confronted with her. She persisted in this line of defence at her trial, but the circumstantial evidence against her was so strong that the jury at once found her guilty. She herself had but little hope of escape, and had been heard to cry out on her first commitment, "I am a dead woman." She was duly executed at Tyburn. The Alexanders and Tracy were discharged.

I have specially instanced these foul murders as exhibiting circumstances of atrocity rarely equalled in the records of crime. Catherine Hayes and Sarah Malcolm were unsexed desperadoes, whose misdeeds

throw into the shade those of the Mannings and Kate Websters of later times. But women had no monopoly of assassination, in those days when life was held so cheap. Male murderers were still more numerous, and also more pitiless and bloodthirsty. The calendars are replete with homicides, and to refer to them in anything like detail would both weary and disgust the reader. I shall do no more therefore than briefly indicate a certain number of the more prominent cases remarkable either from the position of the criminals, the ties by which they were bound to their victims, or the horrible character of the crime.

The hangman figures among the murderers of this epoch. John Price, who filled the office in 1718, and who rejoiced in the usual official soubriquet of "Jack Ketch," was a scoundrel rendered still more callous and cruel by his dreadful calling. He had begun life well, as an apprentice, but he absconded, and entering the navy, "served with credit on board different king's ships for eighteen years." On his discharge, seeking employment, he obtained the situation of public executioner. He might have lived decently on the hangman's wages and perquisites, but he was a spendthrift, who soon became acquainted with the interiors of the debtors' prisons for Middlesex. Once he was arrested on his way back from Tyburn after a good day's work, having in his possession, besides fees, the complete suits of three men who had just been executed. He gave up all this to liquidate the debt, but the value being insufficient, he

was lodged in the Marshalsea. When released, in due course he returned to his old employment, but was soon arrested again, and on a serious charge—that of a murderous assault upon a poor woman who sold gingerbread through the streets. He

Arresting the Hangman on a Charge of Murder on his way to Tyburn.

had attempted to outrage her, and maddened by her resistance, had ill-used her shamefully. "He beat her so cruelly," the account says, "that streams of blood issued from her eyes and mouth; he broke

one of her arms, knocked out some of her teeth, bruised her head in a most shameful manner, and forced one of her eyes from the socket.* One account says that he was taken red-handed close to the scene of his guilt; another, the more probable, that he was arrested on his way to Tyburn with a convict for the gallows. In any case his unfortunate victim had just life left in her to bear testimony against him. Price was committed to Newgate, and tried for his life. His defence was, that in crossing Moorfields he found something lying in his way, which he kicked and found to be the body of a woman. He lifted her up, but she could not stand on her legs. The evidence of others was too clear, and the jury did not hesitate to convict. After sentence he abandoned himself to drink, and obstinately refused to confess. But on the day before his execution he acknowledged that he had committed the crime while in a state of intoxication. He was hanged in Bunhill Fields, and his body afterwards exhibited in chains in Holloway near the scene of the murder.

Wife-murder was of common occurrence in these reckless times. The disgraceful state of the marriage laws, and the facility with which the matrimonial knot could be tied, often tempted unscrupulous people to commit bigamy.† Louis Houssart was of French

* 'Newgate Calendar,' i. 189.

† "Beau" Fielding, who was tried at the Old Bailey in 1706 for committing bigamy with the Duchess of Cleveland, is one of the most remarkable instances of this. See 'Celebrated Trials,' iii. 534. Also see the trial of the Duchess of Kingston, 'Remarkable Trials.'

extraction, settled in England, who married Ann Rondeau at the French church in Spitalfields. After about three years "he left his wife with disgust," and going into the city, passed himself off as a single man. Becoming acquainted with a Mrs. Hern, he presently married her. He had not been long married before his new wife taxed him with having another wife. He swore it was false, and offered to take the sacrament upon it. She appeared satisfied, and begged him to clear his reputation. "Do not be uneasy," he said; "in a little time I will make you sensible I have no other wife." He now resolved to make away with the first Mrs. Louis Houssart, otherwise Ann Rondeau, and reopened communications with her. Finding her in ill-health, one day he brought her "a medicine which had the appearance of conserve of roses, which threw her into such severe convulsive fits that her life was despaired of for some hours; but at length she recovered." This attempt having failed, he tried a simpler plan. Dressed in a white coat, with sword and cane, he went one evening to the end of Swan Alley, where his wife lived with her mother, and finding a boy, gave him a penny to go and tell Mrs. Rondeau that a gentleman wanted to speak to her in a neighbouring public-house. When she left the house Houssart went in, found his wife alone, and cut her throat with a razor.

"Thus murdered she was found by her mother on

203. She was tried by the House of Lords, found guilty, but pleaded her peerage and was discharged.

her return, after inquiring in vain for the gentleman who was said to be waiting for her." Suspicion fell on Houssart, who was arrested and tried, but for want of the boy's evidence acquitted of the murder. But he was detained in Newgate to take his trial for bigamy. While waiting sentence the boy, a lad of thirteen, who knew of the murder and arrest, and who thought he would be hanged if he confessed that he had carried the message to Mrs. Rondeau, came forward to give evidence. He was taken to Newgate into a room, and identified Houssart at once among seven or eight others. The brother of the deceased, Solomon Rondeau, as heir, now lodged an appeal, in the name of John Doe and Richard Roe, against Houssart, who was eventually again brought to trial. Various pleas were put forward by the defence in bar of further proceedings, among others that there was no such persons as John Doe and Richard Roe, but this plea, with the rest, was overruled, the fact being sworn to that there was a John Doe in Middlesex, a weaver, also a Richard Roe, who was a soldier, and the trial went on. The boy's evidence was very plain. He remembered Houssart distinctly, had seen him by the light of a lantern at a butcher's shop; he wore a whitish coat. The boy also recognized Mrs. Rondeau as the woman to whom he gave the message. Others swore to the white coat which Houssart had on; but the most damning evidence was that of a friend whom he had summoned to see him in Newgate, and whom he asked to swear

that they had been drinking together in Newgate Street at the time the murder was committed. The prisoner, however, owned that he did give the boy a penny to call the old woman out, and that he then went in and gave his wife "a touch with the razor, but did not think of killing her." Houssart offered this witness a new shirt, a new suit of clothes, and twenty guineas to swear for him. The prisoner was found guilty and hanged at the end of Swan yard in Shoreditch, on Dec. 7, 1724.

Vincent Davis was another miscreant who murdered his wife, under much the same conditions. He had long barbarously ill-used her; he kept a small walking-cane on purpose to beat her with, and at last so frightened her by his threats to kill her that she ran away from him. She returned one night, but finding that he had put an open knife by the bedside, she placed herself under the protection of the landlady, who advised her to swear the peace against him and get him imprisoned. Next day the brutal husband drove her out of the house, declaring she had no right to be in his company, as he was married to "Little Jenny." But she implored him to be friends, and having followed him to an ale-house seeking reconciliation, he so slashed her fingers with a knife that she came back with bleeding hands. That same night, when his wife met him on his return home, he ordered her to light him to his room, then drawing his knife, stabbed her in the breast. The poor woman bled to death in half-an-hour. Davis after the deed

was done was seized with contrition, and when arrested and on his way to Newgate, he told the peace officer that he had killed the best wife in the world. "I know I shall be hanged," he added; "but for God's sake don't let me be anatomized." This man is said to have assumed an air of bravado while he lay under sentence of death, but his courage deserted him as the time for execution approached. He had such a dread of falling into the hands of the surgeons that he wrote to several friends begging them to rescue his body if any attempt should be made at the gallows to remove it. He was hanged at Tyburn on the 30th April, 1825; but the calendar does not state what happened to his corpse.

George Price, who murdered his wife in 1738, had an analogous motive: he wished to release himself from one tie in order to enter into another. He was in service in Kent, his wife lived in lodgings in Highgate, and their family increased far more rapidly than he liked. Having for some time paid his addresses to a widow in Kent, he at length resolved to remove the only obstacle to a second and more profitable marriage. With this infernal object in view he went to Highgate, and told his wife that he had secured a place for her at Putney, to which he would himself drive her in a chaise. She was warned by some of his fellow-servants against trusting herself alone with him, but "she said she had no fear of him, as he had treated her with unusual kindness." They drove off towards Hounslow.

On the way she begged him to stop while she bought some snuff, but he refused, laughingly declaring she would never want to use snuff again. When they reached Hounslow Heath it was nearly ten o'clock at night. The time and place being suitable, he suddenly threw his whip-lash round his wife's throat and drew it tight. As the cord was not quite in the right place he coolly altered it, and disregarding her entreaties, he again tightened the rope; then finding she was not quite dead, pulled it with such violence that it broke, but not till the murder was accomplished. Having stripped the body, he disfigured it, as he hoped, beyond recognition, then left it under a gibbet on which some malefactors were hanging in chains, and returned to London with his wife's clothes, part of which he dropped about the street, and part he gave back to her landlady, to whom they belonged. Being seen about, so many inquiries were made for his wife that he feared detection, and fled to Portsmouth.

Next day he heard the murder cried through the streets by the bellman, and found that it was his own case, with an exact description of his appearance. He at once jumped out of the window—the inn was by the waterside—and swam to another part of the shore. Thence he made his way into the country and got chance jobs as a farm-labourer. At Oxford he found that he was advertised in the local paper, and he again decamped, travelling on and on till he reached his own home in Wales.

His father gave him refuge for a couple of days, but a report of his being in the house got about, and he had to fly to Gloucester, where he became an ostler at an inn. In Gloucester he was again recognized as the man who had killed his wife on Hounslow Heath by a gentleman who promised not to betray him, but warned him that he would be taken into custody if he remained in the town. "Agitated by the momentary fear of detection, Price knew not how to act," and he resolved at length to go back to London and give himself up to justice. He called first on his former master, was apprehended, and committed to Newgate. He took his trial in due course, and was, on "the strongest circumstantial evidence ever adduced against an offender," cast for death, but fell a victim to the gaol-fever in October, 1738.

I will mention a couple more cases of wife-murder, and leave this section of criminals. The second marriage of Edward Joines, contracted at the Fleet, was not a happy one. His wife had a violent temper, and they continually disagreed. A daughter of hers lived with them, and the two women contrived to aggravate and annoy Joines to desperation. He retaliated by brutal treatment. On one occasion he pushed his wife into the grate and scorched her arm; frequently he drove her out of doors in scanty clothing at late hours and in inclement weather. One day his anger was roused by seeing a pot of ale going into his house for his wife, who was laid

up with a fractured arm. He rushed in, and after striking the tankard out of her hand, seized her by the bad arm, twisted it till the bone again separated. The fracture was reset, but mortification rapidly supervened, and she died within ten days. The coroner's jury in consequence brought in a verdict of wilful murder against Joines. He was in due course convicted of murder, although it was difficult to persuade him that he had had a fair trial, seeing that his wife did not succumb immediately to the cruel injury she had received at his hands. He was executed in December, 1739.

The second wife of John Williamson received still more terribly inhuman treatment at his hands. This ruffian within three weeks after his marriage drenched his wife with cold water, and having otherwise ill-used her, inflicted the following diabolical torture. Having fastened her hands behind with handcuffs, he lifted her off the ground, with her toes barely touching it, by a rope run through a staple. She was locked up in a closet, and close by was placed a small piece of bread and butter, which she could just touch with her lips. She was allowed a small portion of water daily. Sometimes a girl who was in the house gave the poor creature a stool to rest her feet on, but Williamson discovered it, and was so furious that he nearly beat the girl to death. The wretched woman was kept in this awful plight for more than a month at a time, and at length succumbed. She died raving mad. Williamson when arrested

made a frivolous defence, declaring his wife provoked him by treading on a kitten and killing it. He was found guilty and executed in 1760.

The victim of Theodore Gardelle was a woman although not his wife. This murder much exercised the public mind at the time. The perpetrator was a foreigner, a hitherto inoffensive miniature painter, who was goaded into such a frenzy by the intolerable irritation of a woman's tongue, that he first struck and then despatched her. He lodged with a Mrs. King in Leicester Fields, whose miniature he had painted, but not very successfully. She had desired to have the portrait particularly good, and in her disappointment gave the unfortunate painter no peace. One morning she came into the parlour which he used, and which was *en suite* with her bed-room, and immediately attacked him about the miniature. Provoked by her insults, Gardelle told her she was a very impertinent woman; at which she struck him a violent blow on the chest. He pushed her from him, "rather in contempt than anger," as he afterwards declared, "and with no desire to hurt her;" her foot caught in the floor-cloth, she fell backward, and her head came with great force against a sharp corner of the bedstead, for Gardelle apparently had followed her into her bed-room. The blood immediately gushed from her mouth, and he at once ran up to assist her and express his concern; but she pushed him away, threatening him with the consequences of his act. He was greatly terrified

at the thought of being charged with a criminal assault; but the more he strove to pacify the more she reviled and threatened, till at last he seized a sharp-pointed ivory comb which lay upon her toilette-table and drove it into her throat. The blood poured out in still greater volume, and her voice gradually grew fainter and fainter, and she presently expired. Gardelle said afterwards he drew the bed-clothes over her, then, horrified and overcome, fell by her side in a swoon. When he came to himself he examined the body to see if Mrs. King were quite dead, and in his confusion staggered against the wainscot and hit his head so as to raise a great bump over his eye.

Gardelle now seems to have considered with himself how best he might conceal his crime. There was only one other resident in the house, a maid-servant, who was out on a message for him at the time of his fatal quarrel with Mrs. King. When she returned she found the bed-room locked, and Gardelle told her her mistress had gone into the country for the day. Later on he paid her wages on behalf of Mrs. King and discharged her, with the explanation that her mistress intended to bring home a new maid with her. Having now the house to himself, he entered the chamber of death, and stripped the body, which he laid in the bed. He next disposed of the blood-stained bed-clothes by putting them to soak in a wash-tub in the back wash-house. A servant of an absent fellow-lodger came

in late and asked for Mrs. King, but Gardelle said she had not returned, and that he meant to sit up for her and let her into the house. Next morning he explained Mrs. King's absence by saying she had come late and gone off again for the day.

This went on from Wednesday to Saturday; but no suspicion of anything wrong had as yet been conceived, and the body still lay in the same place in the back-room. On Sunday Gardelle began to put into execution a project for destroying the body in parts, which he disposed of by throwing them down the sinks, or spreading in the cock-loft. On Monday and Tuesday inquiries began to be made for Mrs. King, and Gardelle continued to say that he expected her daily, but on Thursday the stained bed-clothes were found in the wash-tub. Gardelle was seen coming from the wash-house, and heard to ask what had become of the linen. This roused suspicion for the first time. The discharged maid-servant was hunted up, and as she declared she knew nothing of the wash-tub or its contents, and as Mrs. King was still missing, the neighbours began to move in the matter. Mr. Barron, an apothecary, came and questioned Gardelle, who was so much confused in his answers that a warrant was obtained for his arrest. Then Mrs. King's bed-room was examined, and that of Gardelle, now a prisoner. In both were found conclusive evidence of foul play. By-and-by in the cock-loft and elsewhere portions of the missing woman were discovered, and some jewellery known to be hers

was traced to Gardelle, who did not long deny his guilt. When he was in the new prison at Clerkenwell he tried to commit suicide by taking forty drops of opium; but it failed even to procure him sleep. After this he swallowed halfpence to the number of twelve, hoping that the verdigrese would kill him, but he survived after suffering great tortures. He was removed then to Newgate for greater security, and was closely watched till the end. After a fair trial he was convicted and cast for death. His execution took place in the Haymarket near Panton Street, to which he was led past Mrs. King's house, and at which he cast one glance as he passed. His body was hanged in chains on Hounslow Heath.

Women were as capable of fiendish cruelty as men, and displayed greater and more diabolical ingenuity in devising torments for their victims. Two murders typical of this class of crime may be quoted here. One was that committed by the Meteyards, mother and daughter, upon an apprentice girl; the other that of Elizabeth Brownrigg, also on an apprentice. The Meteyards kept a millinery shop in Bruton Street, Berkeley Square, and had five parish apprentices bound to them. One was a sickly girl, Anne Taylor by name. Being unable to do as much work as her employers desired, they continually vented their spite upon her. After enduring great cruelty Anne Taylor absconded; she was caught, brought back to Bruton Street, and imprisoned in a garret on bread and water; she again escaped, and was again recaptured

and cruelly beaten with a broom-handle. Then they tied her with a rope to the door of a room so that she could neither sit nor lie down, and she was so kept for three successive days, but suffered to go to bed at night time. On the third night she was so weak she could hardly creep up-stairs. On the fourth day her fellow apprentices were brought to witness her torments as an incentive to exertion, but were forbidden to afford her any kind of relief. On this the last day of her torture she faltered in speech and presently expired. The Meteyards now tried to bring their victim to with hartshorn, but finding life was extinct, they carried the body up to the garret and locked it in. Then four days later they enclosed it in a box, left the garret door ajar, and spread a report through their house that "Nanny" had once more absconded. The deceased had a sister, a fellow apprentice, who declared she was persuaded "Nanny" was dead; whereupon the Meteyards also murdered the sister and secreted the body. Anne's body remained in the garret for a couple of months, when the stench of decomposition was so great that the murderesses feared detection, and after chopping the corpse in pieces, they burnt parts and disposed of others in drains and gully holes. Four years elapsed without suspicion having been aroused, but there had been constant and violent quarrels between mother and daughter, the former frequently beating and ill-using the latter, who in return reviled her mother as a murderess. During this time the daughter left her

home to live with a Mr. Rooker as servant at Ealing. Her mother followed her, and still behaved so outrageously that the daughter, in Mr. Rooker's presence, upbraided her with what they had done. He became uneasy, and cross-questioned them till they confessed the crime. Both women were arrested and tried at the Old Bailey, where they were convicted and sentenced to death. The mother on the morning of her execution was taken with a fit from which she never recovered, and she was in a state of insensibility when hanged.

Elizabeth Brownrigg was the wife of a plumber who carried on business in Flower de Luce Court, Fleet St. She practised midwifery, and received parish apprentices, whom she took to save the expense of keeping servants. Two girls, victims of her cruel ill-usage, ran away, but a third, Mary Clifford, bound to her by the parish of Whitefriars, remained to endure still worse. Her inhuman mistress repeatedly beat her, now with a hearth-broom, now with a horse-whip or a cane. The girl was forced to lie at nights in a coal-hole, with no bed but a sack and some straw. She was often nearly perished with cold. Once after a long diet of bread and water, when nearly starved to death, she rashly broke into a cupboard in search of food and was caught in the act. Mrs. Brownrigg, to punish her, made her strip, and while she was naked repeatedly beat her with the butt end of a whip. Then fastening a jack-chain around her neck she drew it as tight as possible without strangling,

and sent her back to the coal-hole with her hands tied behind her back. Mrs. Brownrigg's son vied with his mother in ill-treating the apprentices, and when the mistress was tired of horsewhipping the lad continued the savage punishment. When Mary Clifford complained to a French lodger of the barbarity she experienced, Mrs. Brownrigg flew at her and cut her tongue in two places with a pair of scissors. Other apprentices were equally ill-used, and they were all covered with wounds and bruises from the cruel flagellations they received.

At length one of the neighbours, alarmed by the constant moaning and groanings which issued from Brownrigg's house, began to suspect that "the apprentices were treated with unwarrantable severity." It was impossible to gain admission, but a maid looked through a skylight into a covered yard, and saw one of the apprentices, in a shocking state of filth and wretchedness, kept there with a pig. One of the overseers now went and demanded Mary Clifford. Mrs. Brownrigg produced another, Mary Mitchell, who was taken to the workhouse, but in such a pitiable state that in removing her clothes her boddice stuck to her wounds. Mary Mitchell having been promised that she should not be sent back to Brownrigg's, gave a full account of the horrid treatment she and Mary Clifford had received. A further search was made in the Brownrigg's house, but without effect. At length, under threat of removal to prison, Mrs. Brownrigg produced Clifford "from

a cupboard under a beaufet in the dining-room." "It is impossible," says the account, "to describe the miserable appearance of this poor girl; nearly her whole body was ulcerated." Her life was evidently in imminent danger. Having been removed to St. Bartholomew's Hospital, she died there within a few days. The man Brownrigg was arrested, but the woman and son made their escape. Shifting their abode from place to place, buying new disguises from time to time at rag-fairs, eventually they took refuge in lodgings at Wandsworth, where they were recognized by their landlord as answering the description of the murderers of Mary Clifford, and arrested. Mrs. Brownrigg was tried and executed; the men, acquitted of the graver charge, were only sentenced to six months' imprisonment. The story goes that Hogarth, who prided himself on his skill as a physiognomist, wished to see Mrs. Brownrigg in Newgate. The governor, Mr. Akerman, admitted him, but at the instance of a mutual friend played a trick upon the painter by bringing Mrs. Brownrigg before him casually, as some other woman. Hogarth on looking at her took Akerman aside and said, "You must have two great female miscreants in your custody, for this woman as well as Mrs. Brownrigg is from her features capable of any cruelty and any crime."

CHAPTER IX.

THE GAOL CALENDAR (*continued*).

Less atrocious murders—Consequences of ungovernable passion—Mr. Plunkett—Mr. Bird—A sensitive Guardsman—The Reverend James Hackman, in passionate despair, murders Miss Reay—Governor Wall—His severe and unaccommodating temper—Trial of Sergeant Armstrong—punished by drumhead court-martial and flogged to death—Wall's arrest and escape to the Continent—Persons of note charged with murder—Quin the actor kills Williams in self-defence—Charles Macklin kills Hallam, a fellow actor at Drury Lane—Joseph Baretti, author of the 'Italian Dictionary,' mobbed in the Haymarket, defends himself with a pocket-knife, and stabs one of his assailants—Chronic dangers and riots in the London streets—Trade terrorism—Turbulent serving-men—Footmen's riot at Drury Lane—Footmen frequently turned highwaymen—Hawkins attempts an alibi—Other alibis—James Maclane, a notorious knight of the road, once a butler and respectable grocer, has a lodging in St. James' Street—Stops Horace Walpole—his capture and fame in Newgate before execution—William Page, another footman, turned highway robber—His clever stratagems and disguises—A confederate betrays him—Arrested in London—Hanged at Maidstone—John Rann, alias Sixteen-String Jack—His extravagant costumes—Short career ends in the gallows—Well-born but dissolute reprobates take to the road—A Baronet and a Lieutenant convicted—William Parsons, a baronet's son, related to a Duchess and a naval officer, becomes an ensign in the 34th—His extravagance—Sells out of the army—Turns swindler, and is transported to Virginia—Returns and takes to the road—Is caught and hanged—Paul Lewis, another highwayman, who had been

a King's officer—Captured by a police officer—William Norton, who sometimes took a thief, captures William Belchier—Jonathan Wild, the sham thief-taker and notorious criminal—His conviction and his career summarized—Once anxious to become a freeman of the city of London—Pirates and sea-robbers—Captain Kidd—English Peers accused of complicity—Kidd's arrest, trial, and sentence—John Gow and his career in the 'Revenge'—His death at Execution Dock—Captain Massey, an involuntary pirate, through whom others are captured, is himself hung.

I PASS now to murders of less atrocity, the result of temporary and more or less ungovernable passion, rather than of malice deliberate and aforethought. In this class must be included the case of Mr. Plunkett, a young gentleman of Irish extraction, who murdered a peruke-maker, who asked him an exorbitant price for a wig. Brown had made it to order for Mr. Plunkett, and wanted seven pounds for it. After haggling he reduced it to six. Plunkett offered four, and on this being refused, seized a razor lying handy and cut Brown's throat.

A somewhat similar case was that of Mr. Edward Bird, a well-born youth, who had been educated at Eton, and after making the grand tour had received a commission in a regiment of horse. Unfortunately he led a wild, dissolute life, associating with low characters. One morning, after spending the night in a place of public resort, he ordered a bath. One waiter deputed the job to another, the latter went to Bird to apologize for the delay. Bird, growing furious, drew his sword and made several passes at the waiter, who avoided them by holding the door in his hand, and

then escaped down-stairs. Bird pursued, threw the man down, breaking his ribs. On this the master of the house and another waiter, by name Loxton, tried to appease Bird, but the latter, frantic at not having the bath when ordered, fell upon Loxton and ran him through with his sword. Loxton dropped and died almost instantaneously. Bird was arrested, committed to Newgate, and eventually tried for his life. He was convicted and received sentence of death, but great interest was made to get it commuted to transportation. His powerful friends might have obtained it but for the protests of Loxton's representatives, and Bird was ordered for execution. The night before he first tried poison, then stabbed himself in several places, but survived to be taken the following morning to Tyburn in a mourning coach, attended by his mother and the ordinary of Newgate. At the gallows he asked for a glass of wine and a pinch of snuff, which "he took with apparent unconcern, wishing health to those who stood near him. He then repeated the Apostle's Creed and was launched into eternity."

The military were not over-popular at times, when party disputes ran high, and the soldiery were often exposed to contumely in the streets. It must be admitted too that they were ready enough to accept any quarrel fastened upon them. Thus William Hawksworth, a guardsman, while marching through the park with a party to relieve guard at St. James, left the ranks to strike a woman who he thought had

insulted his cloth. It was not she, however, but her companion who had cried, "What a stir there is about King George's soldiers!" This companion, by name Ransom, resented the blow, and called Hawksworth a puppy, whereupon the soldier clubbed his musket and knocked the civilian down. Hawksworth marched on with his guard; Ransom was removed to the hospital with a fractured skull, and died in a few hours. But a bystander, having learnt the name of the offender, obtained a warrant against Hawksworth, who was committed to Newgate. He was ably defended at his trial, and his commanding officer gave him an excellent character. But the facts were so clearly proved that conviction was imperative. For some time he was buoyed up with the hope of reprieve, but this failed him at the last, and he went to Tyburn solemnly declaring that Ransom hit him first, that he had no malice against the deceased, and he hardly remembered leaving the ranks to strike him.

Two cases may well be inserted here, although belonging to a somewhat later date. Both were murders committed under the influence of strong excitement: one was the fierce outburst of passionate despair at unrequited love, the other the rash action of a quick-tempered man who was vested for the moment with absolute power. The first was the murder of Miss Reay by the Rev. James Hackman, the second the flogging to death of the Sergeant Armstrong by order of Colonel Wall, Lieutenant-Governor of Goree.

Mr. Hackman had held a commission in the 68th Foot, and while employed on the recruiting service at Huntingdon, had been hospitably received at Hinchingbroke, the seat of Lord Sandwich. At that time a Miss Reay resided there under the protection of his lordship, by whom she had had nine children. Hackman fell desperately in love with Miss Reay, and the lady did not altogether reject his attentions. A correspondence between them, which bears every appearance of authenticity, was published after the murder under the title of 'Love and Madness,' and the letters on both sides are full of ardent protestations. Hackman continued to serve for some time, but the exile from the sight of his beloved became so intolerable that he sold out, took orders, and entered the Church, obtaining eventually the living of Wiverton in Norfolk. He had determined to marry Miss Reay if she would accept him, and one of the last letters of the correspondence above quoted proves that the marriage arrangements were all but completed. On the 1st March, 1779, he writes,—"In a month or six weeks at farthest from this time I might certainly call you mine. Only remember that my character now I have taken orders renders expedition necessary. By to-night's post I shall write into Norfolk about the alterations at *our* parsonage." But within a few weeks a cloud overshadowed his life. It is only vaguely indicated in a letter to a friend, dated the 20th March, in which he hints at a rupture between Miss Reay and himself. "What I shall

do I know not—without her I do not think I can exist." A few days later he wrote to the same friend: "Despair goads me on—death only can relieve me..... What then have I to do, who only lived when she loved me, but cease to live now she ceases to love?"

At this period it is evident that the idea of suicide only occupied his over-wrought brain. He wrote on the 7th April,—"When this reaches you I shall be no more. . . . . You know where my affections were placed; my having by some means or other lost hers (an idea which I could not support) has driven me to madness." So far he does not appear to have contemplated any violence against Miss Reay, for in his letter he commends her to the kind offices of his friend. He spent that day in self-communing and in reading a volume of Dr. Blair's sermons. In the evening he went from his lodgings in Duke's Court, St. Martin's Lane, towards the Admiralty, and saw Miss Reay drive by to the Covent Garden Theatre. He followed her into the theatre and gazed at her for the last time. Then, unable to restrain the violence of his passion, he returned to his lodgings, and having loaded two pistols, returned to Covent Garden, where he waited in the piazza till the play was over. When Miss Reay came out he stepped up with a pistol in each hand. One he fired at her, and killed her on the spot, the other he discharged at himself, but without fatal effect. He was at once arrested, and when his wound

had been dressed, was committed by Sir John Fielding to Tothill Fields, and afterwards to Newgate. He wrote from prison to the same friend as follows :

"I am alive——and she is dead. I shot her, shot her, and not myself. Some of her blood and brains is still upon my clothes. I don't ask you to speak to me, I don't ask you to look at me, only come hither and bring me a little poison, such as is strong enough. Upon my knees I beg, if your friendship for me ever was sincere, do, *do* bring me some poison."

Next day he was more composed, and declared that nothing should tempt him to escape justice by suicide. "My death," he writes, "is all the recompense I can make to the laws of my country." He was tried before Mr. Justice Blackstone (of the Commentaries), and convicted on the clearest evidence. A plea of insanity was set up in his defence, but could not be maintained. His dignified address to the jury had nothing of madness in it, and it is probable that he had no real desire to escape the just punishment for his crime. This is shown by his answer to Lord Sandwich, who wrote :—

17*th April*, 1779.

"To Mr. Hackman in Newgate.

"If the murderer of Miss —— wishes to live, the man he has most injured will use all his interest to procure his life."

To this Hackman replied from

"*The Condemned Cell in Newgate,*
17th April, 1779.

"The murderer of her whom he preferred, far preferred to life, respects the hand from which he has just received such an offer as he neither desires nor deserves. His wishes are for death, not life. One wish he has. Could he be pardoned in this world by the man he has most injured—oh, my lord, when I meet her in another world enable me to tell her (if departed spirits are not ignorant of earthly things) that you forgive us both, that you will be a father to her dear infants!

"J. H."

The condemned man continued to fill many sheets with his reflections in the shape of letters to his friend. But they are all rhapsodical to the last degree. The 19th April was the day fixed for his execution, and on that morning he rose at 5 a.m., dressed himself, and spent some time in private meditation. About 7 a.m. he was visited by Mr. Boswell and some other friends, with whom he went to the chaplain and partook of the sacrament. During the procession to Tyburn he seemed much affected, and said but little. After having hung the usual time his body was carried to Surgeon's Hall. He appears to have written a few last words in pencil at Tyburn, while actually waiting to be turned off.

"My dear Charlie," he wrote, "farewell for ever in this world. I die a sincere Christian and penitent, and everything I hope you can wish me. Would it

prevent my example's having any bad effect if the world should know how I abhor my former ideas of suicide, my crime ? —— will be the best judge. Of her fame I charge you to be careful. My poorly will . . . . .

"Your dying H."*

Miss Reay was buried at Elstree, Herts., where her grave is still pointed out.

Twenty years elapsed between the commission of the murder with which Governor Wall was charged and his trial and atonement. The date of his execution was 1802, a date which would bring the story within the scope of a later rather than the present chapter. But while postponing the particulars of the execution, I propose to deal here with the offence, as it falls naturally into this branch of my subject. Colonel Wall was governor and commandant of Goree, a small island off the coast of Africa close to Cape Verd, and now in the possession of the French. It was mainly dependent upon England for its supplies, and when these ran short, as was often the case, the troops received a money compensation in lieu of rations. A sum was due to them in this way on one occasion when both the Governor and paymaster were on the point of leaving the island for England, and a number of men, anxious for an adjustment of their claims, set off in a body to interview the paymaster at his quarters.

* Hackham was present at Dr. Dodd's execution a short time previously. His remarks on the subject will be found in vol. ii. chap. i.

They were encountered *en route* by the Governor, who reprimanded them, and ordered them to return to their barracks. An hour or two later a second party started for the paymaster, at the head of which was a certain Sergeant Armstrong. The Governor met them as before, and addressing himself to Sergeant Armstrong, again ordered the men back to their quarters.

Upon the nature of this demonstration the whole of the subsequent proceedings hinged. Governor Wall and his witnesses declared it was a tumultuous gathering, seventy or eighty strong; other testimony limited the number to about a dozen. Governor Wall alleged that the men with Armstrong were armed and menacing; others that they comported themselves in a quiet, orderly manner. It was sworn that Armstrong when spoken to by the Governor came up to him submissively, hat in hand, addressed him as "Your Excellency," used no disrespectful language, and withdrew, with his comrades, without noise or disturbance. This view was supported by the evidence of several officers, who swore that they saw no appearance of a mutiny on the island that day; on the other hand, the Governor urged that the men had declared they would break open the stores and help themselves if they were not settled with at once; that they prevented him from going to the shore, fearing he meant to leave the island in a hurry; and that they forced the main guard and released a prisoner. It is difficult to reconcile statements so widely divergent;

but the fact that Governor Wall left the island next day, and took with him three officers out of the seven in the garrison ; that he made no special report of the alleged mutiny to the military authorities in London, and did not even refer to it in minute returns prepared and forwarded at the time, must be deemed very detrimental to Governor Wall's case, and no doubt weighed with the jury which tried him. The only conclusion was that no mutiny existed, but one was assumed merely to screen the infliction of an unauthorized punishment.

To return to the events on the island. It is pretty certain that Governor Wall's mind must have been thrown off its balance after he had dismissed the party headed by Armstrong. He was either actually apprehensive for the safety of his command, or was momentarily blinded by passion at the seeming defiance of discipline, and he felt that he must make an example if his authority was to be maintained. Although many old comrades of high rank bore witness at his trial to his great humanity and good temper, there is reason to fear that to those under his command he was so severe and unaccommodating as to be generally unpopular, and this no doubt told against him at his trial. He was not a strong, self-reliant commander. It is nearly certain that he gave trifles exaggerated importance, and was only too ready to put in practice the severest methods of repression he had at hand. In this instance, however, he did not act without deliberation. It was not until

six in the evening that he had resolved to punish Armstrong as the ringleader of the mutiny. By that time he had fully laid his plans. The "long roll" was beat upon the drums, the troops were assembled hurriedly as in the case of alarm, and a gun-carriage was dragged into the centre of the parade. The Governor then constituted a drum-head court-martial, which proceeded to try Armstrong for mutiny, convict, and sentence him without calling upon him to plead to any charge, or hearing him in his defence; so that he was practically punished without a trial. He was ordered eight hundred lashes, which were forthwith inflicted, not as in ordinary cases by the regimental drummers, whom the Governor thought were tinged with insubordination, but by the black interpreters and his assistants; nor was the regulation cat-of-nine-tails used, as the Governor declared they had all been destroyed by the mutineers, but with a thick rope's end, which, according to the surgeon's testimony, did more mischief than the cat. Armstrong's punishment was exemplary. It was proved that the Governor stood by, threatening to flog the blacks themselves unless they "laid on" with a will, and crying again and again, "Cut him to the heart! cut him to the liver!" Armstrong begged for mercy, but he received the whole eight hundred lashes, twenty-five at a time; and when he was cast loose, he said that the sick season was coming on, which with the punishment would certainly do for him. A surgeon was present at the infliction, but was not called upon

to certify as to Armstrong's fitness or otherwise for corporal punishment, nor did he enter any protest. Armstrong was taken at once to hospital, and his back was found "as black as a new hat." From the moment of his reception the doctors had no hope of his recovery: he gradually grew worse and worse, and presently died.

The day after the punishment Governor Wall left Goree and came to England, where he arrived in August, 1782. The news of Armstrong's death followed him, and various reports as to the Governor's conduct, which were inquired into and dismissed. But in 1784 a more detailed and circumstantial account came to hand, and two messengers were despatched to Bath by Lord Sidney, then Secretary of State, to arrest Wall. They apprehended him and brought him as far as Reading in a chaise and four, where they alighted at an inn. While the officers were at supper he gave them the slip and got over to France, whence he wrote promising to surrender in the course of a few months. His excuse for absconding was that many of those who would be the principal witnesses were his personal enemies. He continued abroad, however, for some years, residing sometimes in Italy, more constantly in France, "where he lived respectably and was admitted into good company." He affected the society of countrymen serving in the French army, and was well-known to the Scotch and Irish Colleges in Paris. In 1797 he returned to England and remained in hiding, occupying lodgings

in Lambeth Court, where his wife, who was a lady of good family, regularly visited him. He is described as being unsettled in mind at this time, and even then contemplating surrender. His means of subsistence were rather precarious, but he lived at the time of delivering himself up in Upper Thornhaugh St., Bedford Square. In October, 1801, he wrote twice to Lord Pelham, stating that he had returned to England for the purpose of meeting the charge against him. It was generally supposed that, had he not thus come forward voluntarily, the matter had nearly passed out of people's memory, and he would hardly have been molested. He was, however, arrested on his own letter, committed to Newgate, and tried at the Old Bailey for the murder of Benjamin Armstrong at Goree in 1782. He was found guilty and sentenced to death. After several respites and strenuous exertions to save his life, he was executed in front of Newgate on the 28th January, 1802. The whole of one day was occupied by the judges and law officers in reviewing his case, but their opinion was against him. For an account of the prisoner's demeanour after sentence and execution the reader is referred to the chapter on Executions in vol. ii.

Three persons of note and superior station found themselves in Newgate about this time upon a charge of murder. The first was James Quin, the celebrated actor, the popular diner-out and *bon vivant*, who went to the west coast of England to eat John Dory in perfection, and who preferred eating turtle in Bristol

to London. He made his first hit as Falstaff in the 'Merry Wives of Windsor.' He had understudied the part, but Rich, manager of the Theatre Royal, Lincoln's Inn Fields, substituted him for it on an emergency with great reluctance. His next hit was as Cato, in which, with many other parts, he succeeded Booth. Quin was modest enough on his first appearance as Cato to announce that the part would be "attempted by Mr. Quin." The audience were, however, fully satisfied with his performance, and after one critical passage was applauded with shouts of "Booth outdone!" It was through this his great part of Cato that he was led into the quarrel which laid him open to the charge of murder. One night an inferior actor named Williams, taking the part of messenger, said, "Cæsar sends health to Cato," but pronounced Cato "Keeto." Quin, much annoyed, replied instantly with a "gag"—"Would that he had sent a better messenger." * Williams was now greatly incensed, and in the Green Room later in the evening complained bitterly to Quin that he had been made ridiculous, that his professional prospects were blighted, and that he insisted upon satisfaction or an apology. Quin only laughed at his rage. Williams, goaded to madness, went out into the piazza at Covent Garden

* Quin could not resist the chance of making a sharp speech. When desired by the manager of Covent Garden to go to the front to apologize for Madame Rollau, a celebrated dancer, who could not appear, he said, "Ladies and Gentlemen, Madame Rollau cannot dance to-night, having dislocated her ancle—I wish it had been her neck."

to watch for Quin. When the latter left the theatre Williams attacked him with his sword. Quin drew in his defence, and after a few passes ran Williams through the body. The ill-fated actor died on the spot. Quin surrendered himself, was committed, tried, found guilty of manslaughter, and sentenced to be burnt in the hand.

Another well-known actor, Charles Macklin, was no less unfortunate in incurring the stain of blood. He was a hot-headed, intemperate Irishman, who, when he had an engagement at Drury Lane Theatre, quarrelled with another actor over a wig. Going down between the pieces into the scene-room, "where the players warm themselves," he saw a Mr. Hallam, who was to appear as Sancho in the 'Fop's Fortune,' wearing a "stock wig" which he (Macklin) had on the night before. He swore at him for a rogue, and cried, "What business have you with my wig?" The other answered that he had as much right to it as Macklin, but presently went away and changed it for another. Macklin still would not leave the man alone, and taking the wig, began to comb it out, making grumbling and abusive remarks, calling Hallam a blackguard and a scrub rascal. Hallam replied that he was no more a rascal than Macklin was; upon which the latter "started from his chair, and having a stick in his hand, made a full lunge at the deceased, and thrust the stick into his left eye;" pulling it back again he looked pale, turned on his heel, and in a passion threw the stick on the

fire. Hallam clapped his hand to his eye and said the stick had gone through his head. Young Mr. Cibber, the manager's son, came in, and a doctor was sent for; the injured man was removed to a bed, where he expired the following day. Macklin was very contrite and concerned at his rash act, for which he was arrested, and in due course tried at the Old Bailey. Many of the most renowned actors of the day, Rich, Fleetwood, Quin, Ryan, and others, bore testimony to his good character and his quiet, peaceable disposition. He also was found guilty of manslaughter only, and sentenced to be burnt in the hand.

The third case of killing by misadventure was that of Joseph Baretti, the author of the well-known Italian and English dictionary. Baretti had resided in England for some years, engaged upon this work; he was a middle-aged, respectable man, of studious habits, the friend and associate of the most noted literary men and artists of the day. He was a member of the club of the Royal Academicians at that time (1769), lodged in Soho, and went there one afternoon after a long morning's work over his proofs. Finding no one at the club, he went on to the Orange coffee-house, and returning by the Haymarket to the club, was madly assaulted by a woman at the corner of Panton Street. Very unwisely he resented her attack by giving her a blow with his hand, when the woman, finding by his accent he was a foreigner, cried for help against the cursed Frenchman, when there was at once a

gathering of bullies, who jostled and beat Baretti, making him "apprehensive that he must expect no favour nor protection, but all outrage and blows." There was, generally, a great puddle at the corner of Panton Street, even when the weather was fine, and on this particular day it had rained incessantly, and the pavement was very slippery. Baretti's assailants tried hard to push him into the puddle, and at last in self-defence he drew his pocket-knife, a knife he kept, as he afterwards declared, to carve fruit and sweetmeats, and not to kill his fellow-creatures with.* Being hard pushed, "in great horror, having such bad eyes," lest he should run against some, and his pursuers constantly at him, jostling and beating him, Baretti "made a quick blow" at one who had knocked off his hat with his fist; the mob cried "Murder, he has a knife out," and gave way. Baretti ran up Oxenden Street, then faced about and ran into a shop for protection, being quite spent with fatigue. Three men followed him; one was a constable, who called upon Baretti to surrender. Morgan, the man whom he had stabbed, three times, as it appeared, "the third wound having hurt him more than the two former," was fast bleeding to death. Baretti was carried before Sir John Fielding; his friends came from the club and testified to his character, among others Sir Joshua

* At this date abroad, Mr. Baretti pointed out, it was not the custom to put knives on the dinner-table, so that even ladies carried them in their pockets for general use.

Reynolds himself, but he was committed to prison. It was urged in Baretti's defence that he had been very severely handled; he had a swollen cheek, and was covered with bruises. Independent witnesses came forward, and swore that they had been subjected to personal outrage in the neighbourhood of the Haymarket. A number of personal friends, including Sir Joshua Reynolds, Dr. Johnson, Mr. Fitz-Herbert, and Mr. Edmund Burke, spoke in the highest terms of Mr. Baretti as "a man of benevolence, sobriety, modesty, and learning." In the end he was acquitted of murder or manslaughter, and the jury gave a verdict of self-defence.

Inoffensive persons were constantly in danger, day and night, of being waylaid and maltreated in the streets. Disturbance was chronic in certain localities, and a trifling quarrel might at any moment blaze into a murderous riot. On execution days the mob was always rampant; at times too, when political passion was at fever-heat, crowds of roughs were ever ready to espouse the popular cause. Thus when the court party, headed by Lord Bute, vainly strove to crush the demagogue John Wilkes, and certain prisoners were being tried at the Old Bailey for riot and wounding, a crowd collected outside the Mansion House carrying a gibbet on which hung a boot and a petticoat.* The

* The boot was the usual punning allusion to Lord Bute in the caricatures of the day; and the petticoat no doubt referred to his undue influence over the Princess of Wales, mother of the reigning sovereign, George III. See *ante*, p. 238.

Mayor interfered and a fray began. Weapons were used, some of the Lord Mayor's servants were wounded, and one of the prisoners were rescued by the mob. Sometimes the disturbance had its origin in trade jealousies. A clerk to a weaver's club was arraigned with others for tying two weavers back to back, setting them on horseback, and in a riotous manner driving them through the streets; their offence being that they had worked under price. Again, a number of men riotously assembled and destroyed a saw-mill, for which they were sentenced to seven years' imprisonment in Newgate. At the execution of two weavers on Bethnal Green for destroying work on the looms the mob behaved outrageously as the convicts were being conveyed from Newgate to Bethnal Green—insulted the sheriffs, pulled up the gallows, broke the windows, destroyed the furniture, and committed other outrages in the house of a manufacturer in Spitalfields. The sheriffs harangued them without effect, and it was not till they were threatened with calling out the military that they dispersed.

An especially turbulent class were the footmen, chairmen, and body-servants of the aristocracy. They quarrelled and wrangled and rioted in the open streets, often in the precincts of the royal residence, as when a number of them created a disturbance outside Leicester House during a drawing-room held by the Princess of Wales. The Footmen's Riot at Drury Lane Theatre, which occurred in 1737, was a still more serious affair. It had long been the custom to admit

"the parti-coloured tribe," as the licensed lacqueys are called in contemporary accounts, to the upper gallery of that Theatre gratis, out of compliment to their masters on whom they were in attendance. Thus established among the gods, they comported themselves with extraordinary license; they impudently insulted the rest of the audience, who, unlike themselves, had paid for admission, and "assuming the prerogative of critics, hissed or applauded with the most offensive clamour." Finding the privilege of free entrance thus scandalously abused, Mr. Fleetwood, the manager, suspended the free list. This gave great offence to the footmen, who proceeded to take the law into their own hands. "They conceived," as it was stated in 'Fog's Weekly Journal,' "that they had an indefeasible hereditary right to the said gallery, and that this expulsion was a high infringement of their liberties." Accordingly, one Saturday night a great number of them—quite three hundred, it was said—assembled at Drury Lane doors, armed with staves and truncheons, and "well fortified with three-threads and twopenny."* The night selected was one when the performance was patronized by royalty, and the Prince and Princess of Wales, with other members of the royal family, were in the theatre. The rioters attacked the stage door and forced it open, "bearing down all the box-keepers, candle-snuffers, supernumeraries, and pippin women that stood in the way." In this onslaught some five-and-twenty

* Cant names of the period for drinks.

respectable people were desperately wounded. Fortunately Colonel de Veil, an active Westminster justice, happened to be in the house, and at once interposed. He ordered the Riot Act to be read, but "so great was the confusion," says the account, "that they might as well have read Cæsar's 'Commentaries.'" Colonel de Veil then got the assistance of some of the guards, and with them seized several of the principal rioters, whom he committed to Newgate. These prisoners were looked upon as martyrs to the great cause, and while in gaol were liberally supplied with all luxuries by the subscription of their brethren. They were, however, brought to trial, convicted of riot, and sentenced to imprisonment.

This did not quite end the disturbance. Anonymous letters poured into the theatre, threatening Fleetwood and vowing vengeance. The following is a specimen :—

"Sir,

"We are willing to admonish you before we attempt our design ; and provide you use us civil, and admit us into your gallery, which is our property according to formalities, and if you think proper to come to a composition this way you'll hear no further ; and if not, our intention is to combine in a body, incognito, and reduce the playhouse to the ground. Valueing no detection, we are "Indemnified."

The manager carried these letters to the Lord Chamberlain and appealed to him for protection.

A detachment of the guards, fifty strong, was ordered to do duty at the theatre nightly, and "thus deterred the saucy knaves from carrying their threats into execution. From this time," says the 'Newgate Calendar,' "the gallery has been purged of such vermin."

The footmen and male servants generally of this age were an idle, dissolute race. From among them the ranks of the highwaymen were commonly recruited, and it was very usual for the gentleman's gentleman, who had long flaunted in his master's apparel, and imitated his master's vices, to turn gentleman on the road to obtain funds for the faro-table and riotous living. A large proportion of the most famous highwaymen of the eighteenth century had been in service at some time or other. Hawkins, James Maclane, John Rann, William Page, had all worn the livery coat. John Hawkins had been butler in a gentleman's family, but lost his place when the plate chest was robbed, and suspicion fell upon him because he was flush of money. Hawkins, without a character, was unable to get a fresh place, and he took at once to the road. His operations, which were directed chiefly against persons of quality, were conducted in and about London. He stopped and robbed the Earl of Burlington, Lord Bruce, and the Earl of Westmoreland, the latter in Lincoln's Inn Fields. When he got valuable jewels he carried them over to Holland and disposed of them for cash, which he squandered at once in a "hell," for he was

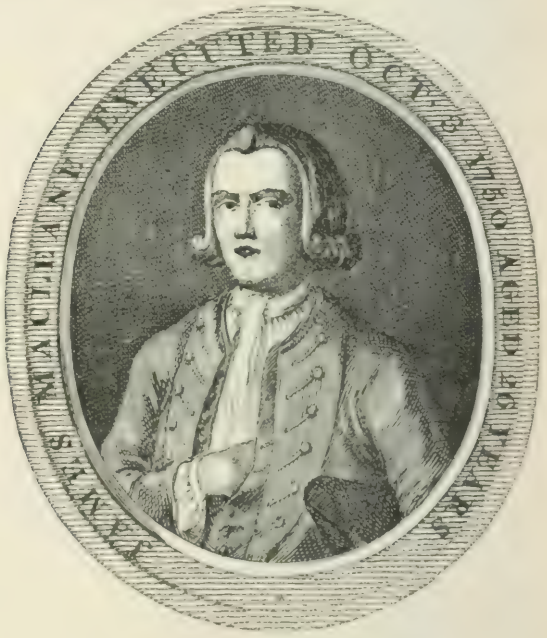
a rash and inveterate gambler. Working with two associates, he made his head-quarters at a public-house in the London Wall, the master of which kept a livery stable, and shared in the booty. From this point they rode out at all hours and stopped the stages as they came into town laden with passengers. One of the gang was, however, captured in the act of robbing the mail and executed at Aylesbury. After this, by way of revenge, they all determined to turn mail-robbers. They first designed to stop the Harwich mail, but changed their mind as its arrival was uncertain, being dependent on the passage of the packet-boat, and determined to rob the Bristol mail instead. They overtook the boy carrying the bags near Slough, and made him go down a lane where they tied him to a tree in a wet ditch, ransacked the Bath and Bristol bags, and hurried off by a circuitous route to London, where they divided the spoil, sharing the bank-notes and throwing the letters into the fire. Soon after this, the Post-office having learnt that the public-house in the London Wall was the resort of highwaymen, it was closely watched. One of Hawkins' gang became alarmed, and was on the point of bolting to Newcastle when he was arrested. He was hesitating whether or not he should confess, when he found that he had been forestalled by an associate, who had already given information to the Post-office, and he also made a clean breast of it all. The rest of the gang were taken at their lodgings in the Old Bailey, but not without a fight, and committed to Newgate.

Hawkins tried to set up an alibi, and an innkeeper swore that he lodged with him at Bedfordbury on the night of the robbery; but the jury found him guilty, and he was hanged at Tyburn, his body being afterwards hung in chains on Hounslow Heath.

The defence of an alibi was very frequently pleaded by highwaymen, and the tradition of its utility may explain why that veteran and astute coachman, Mr. Weller, suggested it in the case of 'Bardell *v.* Pickwick.' In one genuine case, however, it nearly failed, and two innocent men were all but sacrificed to mistaken identity. They had been arrested for having robbed, on the Uxbridge road, a learned sergeant-at-law, Sir Thomas Davenport, who swore positively to both. His evidence was corroborated by that of Lady Davenport, and by the coachman and footman. Also the horses ridden by the supposed highwaymen, one a brown and the other a grey, were produced in the Old Bailey courtyard, and sworn to. Yet it was satisfactorily proved that both the prisoners were respectable residents of Kentish Town; that one, at the exact time of the robbery, was seated at table dining at some club anniversary dinner, and never left the club-room; that the other was employed continuously in the bar of a public-house kept by his mother. It was proved too that the prisoners owned a brown and a grey horse respectively. The Judge summed up in the prisoner's favour, and they were acquitted. But both suffered severe

mental trouble from the unjust accusation. A few years later the actual robbers were convicted of another offence, and in the cells of Newgate confessed that it was they who had stopped Sir Thomas Davenport.

A very notorious highwayman, who had also been



MACLANE.

in service at one time of his varied career, was James Maclane. He was the son of a dissenting minister in Monaghan, and had a brother a minister at the Hague. Maclane inherited a small fortune, which he speedily dissipated, after which he became a gentleman's butler, lost his situation through dishonesty,

determined to enlist in the Horse Guards, abandoned the idea, and turned fortune-hunter. He was a vain man, of handsome exterior, which he decked out in smart clothes on borrowed money. He succeeded at length in winning the daughter of a respectable London horse-dealer, and with her dowry of £500 set up in business as a grocer. His wife dying early, he at once turned his stock-in-trade into cash, and again looked to win an heiress, "by the gracefulness of his person and the elegance of his appearance." He was at last reduced to his last shilling, and being quite despondent, an Irish apothecary, who was a daring robber, persuaded him to take to the highway. One of his earliest exploits was to stop Horace Walpole when the latter was passing through Hyde Park. A pistol went off accidentally in this encounter, and the bullet not only grazed Walpole's cheek-bone, but went through the roof of the carriage. At this time Maclane had a lodging in St. James' Street, for which he paid two guineas a week; his accomplice Plunkett lived in Jermyn Street. "Their faces," says Horace Walpole, "are as well known about St. James as any gentleman's who lives in that quarter, and who perhaps goes upon the road too."* Maclane accounted for his style of living by putting out that he had Irish property worth £700 a year. Once when he had narrowly escaped capture he went over to his brother in Holland for safety, but when the danger was passed he returned and

* Walpole's Letters to Sir Horace Mann.

recommenced his depredations. He made so good a show that he was often received into respectable houses, and was once near marrying a young lady of good position; but he was recognized and exposed by a gentleman who knew him. Maclane continued to rob with greater boldness till the 26th June, 1750. On this day he and Plunkett robbed the Earl of Eglinton on Hounslow Heath. Later in the day they stopped and rifled the Salisbury stage, and among the booty carried off two portmanteaus, which were conveyed to Maclane's lodgings in St. James. Information of this robbery was quickly circulated, with a description of the stolen goods. Maclane had stripped the lace off a waistcoat, the property of one of the robbed, and recklessly offered it for sale to the very laceman from whom it had been purchased. He also sent for another salesman, who immediately recognized the clothes offered for those which had been stolen, and pretending to go home for more money, he fetched a constable and apprehended Maclane. He made an elaborate defence when brought to trial, but it availed him little, and he was sentenced to death. While under condemnation he became quite a popular hero. "The first Sunday after his trial," says Horace Walpole, "three thousand people went to see him. He fainted away twice with the heat of his cell. You can't conceive the ridiculous rage there is for going to Newgate; and the prints that are published of the malefactors, and the memoirs of their lives, set forth with as much parade as Marshal

Turennes'." Maclane suffered at Tyburn amidst a great concourse.

William Page did a better business as a highwayman than Maclane. Page was apprenticed to a haberdasher, but he was a consummate coxcomb, who neglected his shop to dress in the fashion and frequent public places. His relations turned him adrift, and when in the last stage of distress he accepted a footman's place. It was while in livery that he first heard of what highwaymen could do, and conceived the idea of adopting the road as a profession. His first exploits were on the Kentish road, when he stopped the Canterbury stage; his next near Hampton Court. When he had collected some £200 he took lodgings in Lincoln's Inn Fields and passed as a student of law. He learnt to dance, frequented assemblies, and was on the point of marrying well, when he was recognized as a discharged footman, and turned out of doors. He continued his depredations all this time, assisted by a curious map which he had himself drawn, giving the roads round London for twenty miles. His plan was to drive out in a phaeton and pair. When at a distance from town he would turn into some unfrequented place and disguise himself with a grizzle or black wig and put on other clothes. Then saddling one of his phaeton horses, he went on to the main road and committed a robbery. This effected, he galloped back to his carriage, resumed his former dress, and drove to London. He was often cautioned against himself; but

laughingly said that he had already lost his money once and could now only lose his coat and shirt. He was nearly detected on one occasion, when some haymakers discovered his empty phaeton and drove it off with his best clothes. He had just stopped some people, who pursued the haymakers with the carriage and accused them of being accomplices in the robbery. Page heard of this, and throwing the disguise into a well, went back to town nearly naked, where he claimed the carriage, saying the men had stripped him and thrown him into a ditch. The coach-builder swore that he had sold him the carriage, and they were committed for trial, but Page did not appear to prosecute. Page after this extended his operations, and in company with one Darwell, an old school-fellow, committed more than three hundred robberies in three years. He frequented Bath, Tunbridge, Newmarket, and Scarbro', playing deep everywhere and passing for a man of fortune. Darwell and he next "worked" the roads around London, but while the former was near Sevenoaks he was captured by Justice Fielding. He turned evidence against Page, who was arrested in consequence at the Golden Lion near Hyde Park, with a wig to disguise him in one pocket and his map of the London roads in another. He was remanded to Newgate and tried for a robbery, of which he was acquitted; then removed to Maidstone and convicted of another, for which he was hanged at that place.

John Rann was first a helper, then postboy, then

coachman to several gentlemen of position. While in this capacity he dressed in a peculiar fashion, wearing breeches with eight strings at each knee, and was hence nick-named Sixteen-string Jack. Having lost his character he turned pickpocket, and then took to the road. He was soon afterwards arrested for robbing a gentleman of a watch and some money on the Hounslow road. The watch was traced to a woman with whom Rann kept company, who owned that she had had it from him. Rann denied all knowledge of the transaction, which could not be brought home to him. He appeared in court on this occasion in an extravagant costume. His irons were tied up with blue ribbons, and he carried in his breast a bouquet of flowers "as big as a broom." He was fond of fine feathers. Soon afterwards he appeared at a public-house in Bagnigge Wells, dressed in a scarlet coat, tambour waistcoat, white silk stockings, and laced hat. He gave himself out quite openly as a highwayman, and getting drunk and troublesome, he was put out of the house through a window into the road. Later on he appeared at Barnet races in elegant sporting style, his waistcoat being blue satin trimmed with silver. On this occasion he was followed by hundreds who knew him, and wished to stare at a man who had made himself so notorious. At last he stopped Dr. Bell, Chaplain to the Princess Amelia, in the Uxbridge Road, and robbed him of eighteenpence and a common watch in a tortoiseshell case; the latter was

traced to the same woman already mentioned, and Rann was arrested coming into her house. Dr. Bell swore to him, and his servant declared that he had seen Rann riding up Acton Hill twenty minutes before the robbery. Rann was convicted on this evidence and suffered at Tyburn, after a short career of four years. It was not the first time he had seen the gallows. A short time previously he had attended a public execution, and forcing his way into the ring kept by the constables, begged that he might be allowed to stand there, as he might some day be an actor in the scene instead of a spectator.

The road was usually the last resource of the criminally inclined, the last fatal step in the downward career which ended abruptly at the gallows. Dissolute and depraved youths of all classes, often enough gentlemen, undoubtedly well-born, adopted this dangerous profession when at their wit's ends for funds. William Butler, who did his work accompanied by his servant Jack, was the son of a military officer. Kent and Essex was his favourite line of country, but London was his head-quarters, where they lived in the "genteelest lodgings, Jack wearing a livery, and the squire dressed in the most elegant manner."

A baronet, Sir Simon Clarke, was convicted of highway robbery at Winchester assizes, with an associate, Lieutenant Robert Arnott; although the former, by the strenuous exertions of his country

friends, escaped the death penalty to which he had been sentenced. A very notorious highwayman executed in 1750 was William Parsons, the son of a baronet, who had been at Eton, and bore a commission in the Royal Navy. He had hopes of an inheritance from the Duchess of Northumberland, who was a near relative, but her Grace altered her will in favour of his sister. He left the navy in a hurry, and abandoned by his friends, became quite destitute, when his father got him an appointment in the Royal African Company's service. But he soon quarrelled with the governor of James Fort on the Gambia, and returned to England again so destitute that he lived on three halfpence for four days and drank water from the street pumps. His father now told him to enlist in the Life Guards, but the necessary purchase-money, seventy guineas, was not forthcoming. He then, by personating a brother, obtained an advance on a legacy which an aunt had left the brother, and with these funds made so good a show that he managed to marry a young lady of independent fortune, whose father was dead and had bequeathed her a handsome estate. His friends were so delighted that they obtained him a commission as ensign in a marching regiment, the 34th. He immediately launched out into extravagant expenditure, took a house in Poland Street, kept three saddle-horses, a chaise and pair, and a retinue of servants. He also fell into the hands of a noted gambler and sharper, who induced him to play high, and fleeced

him. Parsons was compelled to sell his commission to meet his liabilities, and still had to evade his creditors by hiding under a false name.

From this time he became an irreclaimable vagabond, put to all sorts of shifts, and adroit in all kinds of swindles, to raise means. Having served for some time

Parsons.

he shipped as captain of marines on board a galley-privateer. He returned and lived by forgery and fraud. One counterfeit draft he drew was on the Duke of Cumberland for £500; another on Sir Joseph Hankey & Co. He defrauded tailors out of new uniforms, and a hatter of 160 hats, which he pretended he had

contracted to supply to his regiment. He also robbed, by a pretended marriage, a jeweller of a wedding and several valuable diamond rings. In the '45 he borrowed a horse from an officer intending to join the rebels, but he only rode as far as Smithfield, where he sold the nag, and let the officer be arrested as a supposed traitor. He was arrested for obtaining money on a false draft at Ranelagh, tried at Maidstone, sentenced to transportation, and despatched to Virginia. There, "after working as a common slave about seven weeks," a certain Lord F. rescued him and took him as a guest into his house. Parsons robbed Lord F. of a horse and took the highway. With the proceeds of his first robbery he got a passage back to England. On arriving at Whitehaven, he represented himself as having come into a large estate, and a banker advanced him seventy pounds. With this he came on to London, took lodgings in the West End, near Hyde Park corner, and rapidly got through his cash. Then he hired a horse and rode out on to Hounslow Heath to stop the first person he met.

This became his favourite hunting-ground, although he did business also about Kensington and Turnham Green. Once having learnt that a footman was to join his master at Windsor with a portmanteau full of notes and money, he rode out to rob him, but was recognized by an old victim. The latter let him enter the town of Hounslow, then ordered him to surrender. He might still have escaped, but

the landlord of the inn where he lodged thought he answered the description of a highwayman who had long infested the neighbourhood. Parsons was accordingly detained and removed to Newgate. He was easily identified, and his condemnation for returning from transportation followed as a matter of course. His father and his wife used all their interest to gain him a pardon, but he was deemed too old an offender to be a fit object for mercy.

Paul Lewis was another reprobate, who began life as a king's officer. He was the son of a country clergyman, who got him a commission in the train of artillery; but Lewis ran into debt, deserted from his corps, and took to the sea. He entered the royal navy, and rose to be first midshipman, then lieutenant. Although courageous in action, he was "wicked and base;" and while on board the fleet he collected three guineas apiece from his messmates to lay in stores for the West Indian voyages, and bolted with the money. He at once took to the road. His first affair was near Newington Butts, when he robbed a gentleman in a chaise. He was apprehended for this offence, but escaped conviction through an alibi; after this he committed a variety of robberies. He was captured by a police officer on a night that he had stopped first a lady and gentleman in a chaise, and then tried to rob a Mr. Brown, at whom he fired. Mr. Brown's horse took fright and threw him; but when he got to his feet he found his assailant pinned to the ground by Mr. Pope, the police officer, who was

kneeling on his breast. It seemed the lady and gentleman, Lewis's first victims, had warned Pope that a highwayman was about, and the police officer had ridden forward quickly and seized Lewis at the critical moment. Lewis was conveyed to Newgate, and in due course sentenced to death. "Such was the baseness and unfeeling profligacy of this wretch," says the Newgate Calendar, "that when his almost heart-broken father visited him for the last time in Newgate, and put twelve guineas into his hand to repay his expenses, he slipped one of the pieces of gold into the cuff of his sleeve by a dexterous sleight, and then opening his hand, showed the venerable and reverend old man that there were but eleven; upon which his father took another from his pocket and gave it him to make the number intended. Having then taken a last farewell of his parent, Lewis turned round to his fellow prisoners, and exultingly exclaimed, 'I have flung the old fellow out of another guinea.'"

Pope's capture of the highwayman Lewis was outdone by that of William Belchier, a few years previously, by William Norton, a person who, according to his own account of himself, kept a shop in Wych Street, and who "sometimes took a thief." Norton at the trial told his story as follows. "The chaise to Devizes having been robbed two or three times, as I was informed, I was desired to go into it, to see if I could take the thief, which I did on the third of June, about half an hour after one in the morning.

I got into the post-chaise; the post-boy told me the place where he had been stopped was near the half-way house between Knightsbridge and Kensington. As we came near the house the prisoner (Belchier) came to us on foot and said, 'Driver, stop.' He held a pistol and tinder box to the chaise, and said: 'Your money directly, you must not stop; this minute, your money.' I said, 'Don't frighten us, I have but a trifle—you shall have it.' Then I said to the gentlemen,—there were three in the chaise,—'Give your money.' I took out a pistol from my coat pocket, and from my breeches' pocket a five-shilling piece and a dollar. I held the pistol concealed in one hand and the money in the other. I held the money pretty hard. He said, 'Put it in my hat.' I let him take the five-shilling piece out of my hand. As soon as he had taken it I snapped my pistol at him. It did not go off. He staggered back and held up his hands, and said, 'Oh Lord! oh Lord.' I jumped out of the chaise; he ran away, and I after him about six or seven hundred yards, and then took him. I hit him a blow on his back; he begged for mercy on his knees. I took his neckcloth off and tied his hands with it, and brought him back to the chaise. Then I told the gentlemen in the chaise that was the errand I came upon, and wished them a good journey, and brought the prisoner to London."

No account of the thief-taking or of the criminality of the eighteenth century would be complete without

some reference to Jonathan Wild. What this astute villain really was may be best gathered from the various sworn informations on which he was indicted. It was set forth that he had been for years the confederate of highwaymen, pickpockets, burglars, shoplifters, and other thieves ; that he had formed a kind of corporation of thieves of which he was head, or director, and that, despite his pretended efforts at detection, he procured none to be hanged but those who concealed their booty or refused him his share. It was said that he had divided the town and country into districts, and had appointed distinct gangs to each, who accounted to him for their robberies ; that he employed another set to rob in churches during divine service, and other "moving detachments to attend at court on birthdays and balls, and at the houses of Parliament." His chosen agents were returned transports, who lay quite at his mercy. They could not be evidence against him, and if they displeased him he could at any time have them hanged. These felons he generally lodged in a house of his own, where he fed and clothed them, and used them in clipping guineas or counterfeiting coin.* He himself had been a confederate in numerous robberies ; in all cases he was a receiver of the goods stolen ; he had under his care several warehouses for concealing the same, and owned a vessel for carrying off jewels, watches, and other valuables to Holland, where he had a superannuated

* Wild at last had the audacity to occupy a house in the Old Bailey, opposite the present Sessions House.

thief for a factor. He also kept in his pay several artists to make alterations and transform watches, seals, snuff-boxes, rings, so that they might not be recognized, which he used to present to people who could be of service to him. It was alleged that he generally claimed as much as half the value of all articles which he pretended to recover, and that he never gave up bank-notes or paper unless the loser could exactly specify them. "In order to carry out these vile practices, and to gain some credit with the ignorant multitude, he usually carried a short silver staff as a badge of authority from the government, which he used to produce when he himself was concerned in robbing." Last of all he was charged with "selling human blood;" in other words, of procuring false evidence to convict innocent persons; "sometimes to prevent them from being evidence against himself, and at other times for the sake of the great reward offered by the government." Wild's career was brought to an abrupt conclusion by the revelations made by two of his creatures. He absconded, but was pursued, captured, and committed to Newgate. He was tried on several indictments, but convicted on that of having maintained a secret correspondence with felons, receiving money for restoring stolen goods, and dividing it with the thieves whom he did not prosecute. While under sentence of death he made desperate attempts to obtain a pardon, but in vain, and at last tried to evade the gallows by taking a large dose of laudanum. This also failed, and he was conveyed to

Tyburn amidst the execrations of a countless mob of people, who pelted him with stones and dirt all the way. Among other curious facts concerning this arch-villain, it is recorded that when at the acme of his prosperity, Jonathan Wild was ambitious of becoming a freeman of the city of London. His petition to this effect is contained among the records of the Town Clerk's office, and sets forth that the petitioner "has been at great trouble and charge in apprehending and convicting divers felons for returning from transportation from Oct. 1720 . . . . that your petitioner has never received any reward or gratuity for such his service, that he is very desirous of becoming a freeman of this honorable city . . . ." The names follow, and include Moll King, John Jones, &c., "who were notorious street robbers." The petition is endorsed as read Jan. 2nd, 1724, but the result is not stated.

Before I close this chapter I must refer briefly to another class of highway robbers—the pirates and rovers who ranged the high seas in the first half of the eighteenth century.* In those days there was no efficient ocean police, no perpetual patrolling by warships of all nations to prevent and put down piracy as a crime noxious to the whole world. Later, on the ascendancy of the British navy, this duty was more or less its peculiar province; but till then every sea was infested with pirates sailing under various flags.

* There were sometimes as many as sixty or seventy pirates awaiting trial at a time in Newgate, about this period.

The growth of piracy has been attributed, no doubt with reason, to the narrow policy of Spain with regard to her transatlantic colonies. To baffle this colonial system the European powers long tolerated, even encouraged these reckless filibusters, who did not confine their ravages to the Spanish-American coast, but turned their hands, like nautical Ishmaels, against all the world. The mischief thus done was incalculable. One notorious rover, Captain Roberts, took four hundred sail. They were as clever in obtaining information as to the movements of rich prizes on the seas as were highwaymen concerning the traffic along the highroads. They were particularly cunning in avoiding war-ships, and knew exactly where to run for supplies. As Captain Johnson tells us, speaking of the West Indies in the opening pages of his 'History of Pirates,' "they have been so formidable and numerous that they have interrupted the trade of Europe in those parts; and our English merchants in particular have suffered more by their depredations than by the united force of France and Spain in the late war."

Pirates were the curse of the North American waters when Lord Bellamont went as Governor of New England in 1695, and no one was supposed to be more in their secrets at that time, or more conversant with their haunts and hiding-place, than a certain Captain John Kidd of New York, who owned a small vessel, and traded with the West Indies. Lord Bellamont's instructions were to put down piracy if he could, and Kidd was recommended to him as a fitting

person to employ. For some reason or other Kidd was denied official status; but it was pointed out to Lord Bellamont that, as the affair would not well admit delay, "it was worthy of being undertaken by some private persons of rank and distinction, and carried into execution at their own expense, notwithstanding public encouragement was denied to it." Eventually the Lord Chancellor, Lord Somers, the Duke of Shrewsbury, the Earl of Romney, the Earl of Oxford, with some others, subscribed a sum of £6000 to fit out an expedition from England, of which Kidd was to have the command; and he was granted a commission by letters patent under the great seal to take and seize pirates, and bring them to justice. The profits of the adventure, less a fifth, which went to Kidd and another, were to be pocketed by the promoters of the enterprise, and this led subsequently to a charge of complicity with the pirates, which proved very awkward, especially for Lords Orford and Somers.

Kidd sailed for New York in the Adventure galley, and soon hoisted the black flag. From New York he steered for Madeira, thence to the Cape of Good Hope, and on to Madagascar. He captured all that came in his way. French ships, Portuguese, "Moorish," even English ships engaged in legitimate and peaceful trade. Kidd shifted his flag to one of his prizes, and in her returned to the Spanish main for supplies. Thence he sailed for various ports of the West Indies, and having disposed of much of his booty, steered for Boston. He had been preceded there by a merchant

who knew of his piratical proceedings, and gave information to Lord Bellamont. Kidd was accordingly arrested on his arrival in New England. A full report was sent home, and a man-of-war, the Rochester, despatched to bring Kidd to England for trial. As the Rochester became disabled, and Kidd's arrival was delayed, much great public clamour arose, caused and fed by political prejudices against Lord Bellamont and the other great lords, who were accused of an attempt to shield Kidd. It was moved in the House of Commons that the "letters patent granted to the Earl of Bellamont and others respecting the goods taken from pirates were dishonourable to the king, against the law of nations, contrary to the laws and statutes of the realm, an invasion of property, and destructive to commerce." The motion was opposed, but the political opponents of Lord Somers and Lord Orford continued to accuse them of giving countenance to pirates, while Lord Bellamont was deemed no less culpable. The East India Company, which had suffered greatly by Kidd's depredations, and which had been refused * letters of marque to suppress piracy in the Indian Ocean, joined in the clamour, and petitioned that Captain Kidd "might be brought to speedy trial, and that the effects taken unjustly from the subjects of the Great Mogul may be returned to them as a satisfaction for their losses."

It was ruled at last that Kidd should be examined

* By Lord Orford and the Board of Admiralty.

at the bar of the House of Commons, with the idea of "fixing part of his guilt on the parties who had been concerned in sending him on his expedition." Kidd was accordingly brought to England and lodged first in the Marshalsea, the prison of the Admiralty Court, and afterwards committed to Newgate. It was rumoured that Lord Halifax, who shared the political odium of Lord Somers and Orford, had sent privately for Kidd from Newgate to tamper with him, but "the keeper of the gaol on being sent for averred that it was false." * It is more probable that the other side endeavoured to get Kidd to bear witness against Lord Somers and the rest; but at the bar of the House, where he made a very contemptible appearance, being in some degree intoxicated, Kidd fully exonerated them. "Kidd discovered little or nothing," says Luttrell. In their subsequent impeachment they were, notwithstanding, charged with having been Kidd's accomplices, but the accusation broke down. Kidd in the mean time had been left to his fate. He was tried with his crew on several indictments for murder and piracy at the Admiralty sessions of the Old Bailey, convicted and hung.† He must have prospered greatly in his short and infamous career. According to Luttrell, his effects were valued at £200,000, and one witness alone, Cogi Baba, a Persian merchant, charged him with robbing him in the Persian Gulf of £60,000. No case was made out against the above-mentioned peers. Lord Orford

* Luttrell. † See *ante*, chap. vi. p. 279.

set up in his defence that in Kidd's affair "he had acted legally, and with a good intention towards the public, though to his own loss;"* and Lord Somers denied that he had ever seen or knew anything of Kidd. Hume sums up the matter by declaring that "the Commons in the whole course of the transaction had certainly acted from motives of faction and revenge."

John Gow, who took the piratical name of Captain Smith, was second mate of the George galley, which he conspired with half the crew to seize when on the voyage to Santa Cruz. On a given signal, the utterance of a password, "Who fires first?" an attack was made on the first mate, surgeon, and supercargo, whose throats were cut. The captain hearing a noise came on deck, when one mutineer cut his throat, and a second fired a couple of balls into his body. The ship's company consisted of twenty: four were now disposed of, eight were conspirators, and of the remaining eight, some of whom had concealed themselves below decks and some in the shrouds, four had joined the pirates. The other four were closely watched, and although allowed to range the ship at pleasure, were often cruelly beaten. The ship was rechristened 'The Revenge'; she mounted several guns, and the pirates steered her for the coast of Spain, where several prizes were taken—the first a ship laden with salted cod from Newfoundland, the second a Scotch ship bound to Italy with a cargo of pickled

* Hume, xi. 418.

herrings, the third a French ship laden with oil, wine, and fruit. The pirates also made a descent upon the Portuguese coast and laid the people under contributions.

Dissensions now arose in the company. Gow had a certain amount of sense and courage, but his lieutenant was a brutal ruffian, often blinded by passion, and continually fermenting discord. At last he attempted to shoot Gow, but his pistol missed fire, and he was wounded himself by two of the pirates. He sprang down to the powder-room and threatened to blow up the ship, but he was secured, and put on board a vessel which had been ransacked and set free, the commander of it being desired to hand the pirate over to the first king's ship he met, "to be dealt with according to his crimes." After this the pirates steered north for the Orkneys, of which Gow was a native, and after a safe passage anchored in a bay in one of the islands. While lying there one of his crew, who had been forced into joining them, escaped to Kirkwall, where he gave information to a magistrate, and the sheriff issued a precept to the constables and others to seize 'The Revenge.' Soon afterwards ten more of the crew, also unwilling members of it, laid hands on the long boat, and reaching the mainland of Scotland, coasted along it as far as Leith, whence they made their way to Edinburgh, and were imprisoned as pirates. Gow meanwhile, careless of danger, lingered in the Orkneys, plundering and ransacking the dwelling-houses to provide himself with provisions, and carrying

off plate, linen, and all valuables on which they could lay hands.

Arriving at an island named Calf Sound, Gow planned the robbery of an old schoolmate, a Mr. Fea, whom he sought to entrap. But Mr. Fea turned the tables upon him. Inviting Gow and several of the crew to an entertainment on shore, while they were carousing Mr. Fea made his servants seize the pirates' boat, and then entering by different doors, fell upon the pirates themselves, and made all prisoners. The rest, twenty-eight in number, who were still afloat, were also captured by various artifices, and the whole, under orders of the Lord Chief Justice, were despatched to the Thames in H.M.S. Greyhound, for trial at the Admiralty Court. They were committed to the Marshalsea, and thence to Newgate, and arraigned at the Old Bailey, where Gow refused to plead, and was sentenced to be pressed to death. He pretended that he wished to save an estate for a relation; but when all preparations for carrying out the sentence were completed, he begged to be allowed to plead, and "the judge being informed, humanely granted his request." Gow and six others were eventually hanged at Execution Dock.

Pirates who fell in with ships usually sought to gain recruits among the captured crews. The alternative was to walk the plank or to be set adrift in an open boat, or landed on an uninhabited island. The latter was the fate of as many in a shipload of convicts taken at sea by pirates as refused to sign

articles. For those who thus agreed under compulsion a still harder fate was often in store. Captain Massey was an unfortunate instance of this. While serving in the Royal African Company he was for some time engaged in the construction of a fort upon the coast with a detachment of men. They ran short of food, and suffered frightfully from flux. When at the point of death a passing ship noticed their signals of distress, and sent a boat on shore to bring them on board. The ship proved to be a pirate. Captain Massey did not actually join them, but he remained on board while several prizes were taken. However, he gave information at Jamaica, the pirate captain and others were arrested and hanged, and Captain Massey received the thanks of the Governor, who offered him an appointment on the island. But Massey was anxious to return to England, whither he proceeded armed with strong letters of recommendation to the lords of the Admiralty. To his intense surprise, "instead of being caressed he was taken into custody," tried, and eventually executed. His case evoked great sympathy. "His joining the pirates was evidently an act of necessity, not choice," and he took the earliest opportunity of giving up his involuntary associates to justice — a conduct by which he surely merited the thanks of his country, and not the vengeance of the law.

CHAPTER X.

THE GAOL FEVER.

Why chapter so styled—The gaol fever the visible exponent of foul state of gaols—Their evils briefly described—Neither sufficient light nor air—Often underground—Scantiest supply of water—No bed, no exercise—Meagre rations—Water soup—Allowance to criminals denied to debtors who had to beg alms—Prison buildings wretched—Often private property of local magnates, who farmed them out, and pocketed the gains—How the Bishop of Ely kept his prisoners—All prisoners loaded with irons—Legal opinions on the practice—Description of irons used—Women also fettered—John Wilkes when sheriff protests against ironing the untried—Avarice primary cause of ill-treatment of prisoners—Drunkenness encouraged—Gaol fees—Overcrowding the parent of gaol fever—Rarity of gaol deliveries—The gaol fever explained—Its causes—Its ravages—Extends from prisons to court-houses—To villages—Into the army and the fleet—Earliest mention of gaol distemper—The Black Assize—The sickness of the House at the King's Bench prison—The gaol fever in the 17th century—Its outbreaks in the 18th—The Taunton Assize—Originated in Newgate in 1750—Extends to Old Bailey with deadly results—The Corporation alarmed—Seek to provide a remedy—Enquiry into the sanitary condition of Newgate—A new ventilator recommended by the Rev. Dr. Hales and Dr. Pringle, F.R.S.—The ventilator described—Hopes expressed that it will check the disease, but the air of Newgate continues pestiferous—Fatal effects of working at the ventilator—Men employed show all symptoms of gaol fever—The fever constantly present in Newgate—Mr. Akerman's evidence—Statistics of deaths—The fever taken into the

country gaols by prisoners removed from Newgate—Also to Southwark—Renewed dread in the Courts, which are protected by the fumes of vinegar—All this time no regular doctor at Newgate—Howard condemns construction of new Newgate as likely to produce gaol fever—Lord George Gordon dies of it in 1793—Dr. Smith reports and condemns the new prison at Newgate—Too crowded and faulty site—Mr. Akerman defends it as superior to the old, but admits that prisoners die in it, broken-hearted—Mr. Akerman a humane man—A friend of Boswell's, who panegyrizes him—Mr. Akerman's brave and judicious conduct at a fire in prison—Calms the prisoners, and remains in the midst of danger—Life at Newgate—The sexes intermixed—Debauchery—Gaming—Drunkenness—Moral contamination—Criminals willingly took military service to escape confinement in Newgate.

I HAVE given this title to the present chapter because the gaol fever while it raged was the visible exponent of the foul condition of all gaols, including Newgate, or, as Dr. Guy puts it, "the physical expression of manifold prison neglect and mismanagement." The loathsome corruption that festered unchecked or unalleviated within the prison houses was never revealed until John Howard began his self-sacrificing visitations, and it is to the pages of his 'State of Prisons' that we must refer for full details. Some would be incredible were they not vouched for on the unimpeachable testimony of the great philanthropist. All through the eighteenth century the case of all prisoners was desperate, their sufferings heart-rending, their treatment a disgrace to that or any age. They were either entirely deprived of, or at best but scantily provided with, the commonest and most indispensable necessaries of life. They were often

denied both light and air, which are assuredly the free heritage of all God's creatures. Rapacity and extortion, of which more directly, were too prevalent in prison administration to allow of many windows when all such openings were heavily taxed. What windows there were looked generally down dark entries or noisome passages, and gave no light. In Newgate until the building of the new (and last) gaol, the felons' side and the common debtors' side were so dark that it was necessary to use links and burners all day long: indeed, artificial light was generally necessary all over the prison, except in the press-yard.

The place of durance was sometimes underground, a dungeon, or subterranean cellar, into which the prisoners were lowered, to fight with rats for the meagre pittance of food thrown to them through a trap-door. These terrible *oubliettes* were too often damp and noisome, half a foot deep in water, or with an open sewer running through the centre of the floor. They had no chimneys, no fireplace, no barrack beds; the wretched inmates huddled together for warmth upon heaps of filthy rags or bundles of rotten straw reeking with foul exhalations, and fetid with all manner of indescribable nastiness. There was not the slightest attempt at ventilation, as we understand the word. The windows, when they existed, were seldom if ever opened, nor the doors, for the spaces within the prison walls were generally too limited to allow of daily exercise,

and the prisoners were thus kept continuously under lock and key. Water, another necessary of life, was doled out in the scantiest quantities, too small for proper ablutions or cleansing purposes, and hardly sufficient to assuage thirst. Howard tells us of one prison where the daily allowance of water was only three pints per head, and even this was dependent upon the good will of the keepers, who brought it or not, as they felt disposed. At another, water could only be had on payment, the price being a halfpenny for three gallons.

The rations of food were equally meagre. In some prisons indeed nothing was given; in others, the prisoners subsisted on water-soup—"bread boiled in mere water." The poor debtors were the worst off. For the felon, thief, murderer, or highwayman there was a grant either in money or in kind—a pennyworth of bread per diem, or a shilling'sworth per week, or a certain weight of bread. But the debtors, who formed three-fourths of the permanent prison population, and whose liabilities on an average did not exceed ten or fifteen pounds a piece, were almost starved to death. The bequests of charitable people, especially intended for their support, were devoted to other uses; creditors seldom if ever paid the "groat," or fourpence per diem for subsistence required by the Act. Any alms collected within the prison by direct mendicancy were commonly intercepted by the ruffians who ruled the roast. When gaolers applied to the magistrates for food for the debtors the

answer was, "Let them work or starve"; yet the former was forbidden, lest the tools they used might fall into the hands of criminal prisoners, and furnish means of escape. At Exeter the prisoners were marched about the city soliciting charity in the streets. One Christmas-tide, so Howard says, the person who conducted them broke open the box and absconded with the contents. The debtors' ward in this gaol was called the "shew," because the debtors begged by letting down a *shoe* from the window.

Prison buildings were mostly inconvenient, ill-planned, and but little adapted for the purposes of incarceration. Many of them were ancient strong-holds—the gate of some fortified city, the keep or castle or embattled residence of a great personage. Some lords, spiritual and temporal, with peculiar powers in their own districts, once had their prisons, so to speak, under their own roof. The prisons lingered long after the power lapsed, and in Howard's time many of the worst prisons were the private property of individuals,* who protected the keepers, their lessees, and pocketed the gains wrung from the wretched lodgers. The Duke of Portland was the proprietor of Chesterfield gaol, which consisted of one room with a cellar under it. For this accommodation, and the privilege it conferred upon him

* The following are some of the great people who owned prisons in those days: "The Dukes of Portland, Devonshire, Norfolk, and Leeds, the Marquis of Carnarvon, Lords Salisbury, Exeter, Arundel, and Derby, the Bishops of Salisbury, Ely, and Durham, the Dean and Chapter of Westminster."

of demanding gaol fees, the keeper paid the Duke an annual rent of eighteen guineas. "The cellar," Howard says, "had not been cleaned for months, nor the prison door opened for several weeks." Another disgraceful prison was that owned by the Bishop of Ely. One bishop had been compelled to rebuild it in part fourteen years before Howard's visit, but it was still bad. It had been so insecure that the keeper resorted to a most cruel contrivance in order to ensure safe custody. Prisoners were "chained down upon their backs upon a floor, across which were several iron bars, with an iron collar with spikes about their necks, and a heavy iron bar over their legs." This barbarous treatment formed the subject of a special petition to the king, supported by a drawing, "with which His Majesty was much affected, and gave immediate orders for a proper inquiry and redress."

Loading prisoners with irons was very generally practised, although its legality was questioned even then. Lord Coke gave his opinion against the oppression. Bracton affirmed that a sentence condemning a man to be confined in irons was illegal, and in 'Blackstone Commentaries'* is this passage: "The law will not justify jailers in fettering a prisoner unless when he is unruly, or has attempted an escape. In 1728 the judges reprimanded the warders of the Fleet prison, and declared that a jailer could not answer the ironing of a man before he was found guilty of a crime." When a keeper pleaded necessity for safe custody to

* Book iv. c. 22.

Lord Chief Justice King, the judge bade him "build higher his prison walls." As Buxton observes, the neglect of this legal precaution was no excuse for the infliction of an illegal punishment. Prisoners should not suffer because authorities neglect their duty. "Very rarely is a man ironed for his own misdeeds, but frequently for those of others; additional irons on his person are cheaper than additional elevation to the walls. Thus we cover our own negligence by increased severity to our captives." *

The irons were so heavy that "walking, even lying down to sleep, was difficult and painful." In some county gaols women did not escape this severity, Howard tells us, but London was more humane. But in the London prisons the custom of ironing even the untried males was long and firmly established. An interesting letter is extant from John Wilkes, dated 1771, the year of his shrievalty to the keeper of Newgate, Mr. Akerman. This letter expresses satisfaction with his general conduct, and admits his humanity to the unhappy persons under his care. But Wilkes takes strong exceptions to the practise of keeping the prisoners in irons at the time of arraignment and trial, which he conceives to be alike repugnant to the laws of England and humanity.

"Every person at so critical a moment ought to be without any bodily pain or restraint, that the mind may be perfectly free to deliberate on its most interesting and awful concerns, in so alarming a situation.

* 'Buxton on Prison Discipline,' p. 11.

It is cruelty to aggravate the feelings of the unhappy in such a state of distraction, and injustice to deprive them of any means for the defence of supposed innocence by calling off the attention by bodily torture at the great moment when the full exertion of every faculty is most wanting. No man in England ought to be obliged to plead while in chains; we therefore are determined to abolish the present illegal and inhuman practice, and we direct you to take off the irons before any prisoner is sent to the bar, either for arraignment or trial." *

Avarice was no doubt a primary cause of the ill-treatment of prisoners, and, as I have described elsewhere,† heavy fees were exacted to obtain "easement" or "choice" of irons. This idea of turning gaols to profit underlaid the whole system of prison management. The gaolers bought or rented their places, and they had to recoup themselves as best they could. A pernicious vested interest was thus established, which even the legislature acknowledged. The sale of strong drink within the prison, and the existence of a prison tap or bar, were recognized and regulated

* As late as 1818 the most capricious rules prevailed as to ironing in various prisons in the country. Thus at Newgate all felons were ironed; it was the same at Chelmsford; but at Bury and Norwich all felons were without irons. Again at Coldbath Fields, only the untried and those sent for re-examination were ironed; at other places the untried were not ironed, and so on. Dr. Dodd, in his 'Thoughts in Prison,' refers to the horror he experienced in Newgate from the constant rattling of chains. It seems the most hardened prisoners often clanked their irons for an amusement.

† See *ante*, chap. v. p. 211.

by law. Drunkenness in consequence prevailed in all prisons, fostered by the evil practice of claiming garnish, which did not disappear, as I shall presently show, till well on into the present century. Another universal method of grinding money out of all who came within the grip of the law was the extortion of gaol fees. It was the enormity of demanding such payment from innocent men, acquitted after a fair trial, who in default were hauled back to prison, that first moved Howard to inquire into the custom at various prisons. As early as 1732 the Corporation of London had promulgated an order that all prisoners acquitted at the Old Bailey should be released without fees. But when Howard visited Newgate forty years later, Mr. Akerman the keeper showed him a table of fees "which was given him for his direction when he commenced keeper." The sums demanded varied from 8*s.* 10*d.* for a debtor's discharge, to 18*s.* 10*d.* for a felon's, and £3 6*s.* 8*d.* for a bailable warrant. The exactions for fees, whether for innocent or guilty, tried or untried, was pretty general throughout the kingdom, although Howard found a few prisons where there were none. Even he in his suggestions for the improvement of gaols, although recommending the abolition of fees and the substitution of a regular salary to the gaoler, was evidently doubtful of securing so great a reform, for he expresses a hope that if fees were not altogether abolished they may at least be reduced. However, the philanthropist found a welcome support from Mr. Popham, M.P. for Taunton, who in

1773 brought in a bill "abolishing gaolers' fees, and substituting for them fixed salaries payable out of the county rates," which bill passed into law the following year in an amended form. This Act provided that acquitted prisoners "shall be immediately set at large in open court." Yet the law was openly evaded by the clerks of assize and clerks of the place, who declared that their fees were not cancelled by the Act, and who endeavoured to indemnify themselves by demanding a fee from the gaoler for a certificate of acquittal. In one case at Durham, Judge Gould at the assizes in 1775 fined the keeper £50 for detaining acquitted prisoners under this demand of the clerk of assize, but the fine was remitted on explanation. Still another pretence often put forward for detaining acquitted prisoners until after the judge had left the town was, that other indictments might be laid against them; or yet again, prisoners were taken back to prison to have their irons knocked off, irons with which, as free, unconvicted men, they were manacled illegally and unjustly.

Perhaps the most hideous and terrible of all evils, and the immediate parent of gaol fever, was the disgraceful and almost indiscriminate overcrowding of the gaols. The rarity of gaol deliveries was a proximate cause of this. The expense of entertaining the judges was alleged as an excuse for not holding assizes more than once a year; but at some places—Hull, for instance—there had been only one gaol delivery in seven years, although, according to Howard,

it had latterly been reduced to three. Often in the lapse of time principal witnesses died, and there was an acquittal with a failure of justice. Nor was it only the accused and unconvicted who lingered out their lives in gaol, but numbers of perfectly innocent folk helped to crowd the narrow limits of the prison-house. Either the mistaken leniency, or more probably the absolutely callous indifference of gaol-rulers, suffered debtors to surround themselves with their families, pure women and tender children brought thus into continuous intercourse with felons and murderers, and doomed to lose their moral sense in the demoralizing atmosphere. The prison population was daily increased by a host of visitors, improper characters, friends and associates of thieves, who had free access to all parts of the gaol. In every filthy, unventilated cell-chamber the number of occupants was constantly excessive. The air space for each was often less than 150 cubic feet, and this air was never changed. Of one room, with its beds in tiers, its windows looking only into a dark entry, its fireplace used for the cooking of food for forty persons, it was said that the man who planned it could not well have contrived "a place of the same dimensions more effectually calculated to destroy his fellow-creatures."

The gaol fever or distemper, of which I shall now give some account, was the natural product of these insanitary conditions. This fell epidemic exercised strange terrors by the mystery which once surrounded it; but this has now been dispelled by the strong light

of modern medical science. All authorities are agreed that it was nothing but that typhus fever, which inevitably goes hand in hand with the herding and packing together of human beings, whether in prisons, workhouses, hospitals, or densely-populated quarters of a town. The disease is likely to crop up, as Dr. Guy remarks, "wherever men and women live together in places small in proportion to their numbers, with neglect of cleanliness and ventilation, surrounded by offensive effluvia, without proper exercise, and scantily supplied with food." * It is easy to understand that the poison would be generated in gaol establishments such as I have described; still more, that prisoners should be saturated with it so as to infect even healthy persons whom they approached. This is precisely what happened, and it is through the ravages committed by the disorder beyond the prison walls that we mostly hear of it. The decimation it caused within the gaol might have passed unnoticed, but the many authentic cases of the terrible mortality it occasioned elsewhere forced it upon the attention of the chronicler. It made the administration of the law a service of danger, while its fatal effects can be traced far from beyond the limits of the court-house. Prisoners carried home the contagion to the bosoms of their families, whence the disease spread into town or village. They carried it on board ship, and imported it into our fleets. "The first English fleet sent to America lost by it above 2000 men; . . . the seeds

* 'Dr. Guy on Public Health,' 183.

of infection were carried from the guardships into our squadrons; and the mortality thence occasioned was greater than by all other diseases or means of death put together." * It was the same with the army: regiments and garrisons were infected by comrades who brought the fever from the gaol; sometimes the escorts returning with deserters temporarily lodged in prison also sickened and died.

The earliest mention of a gaol distemper is that quoted by Howard from Stowe, under date 1414, when "the gaolers of Newgate and Ludgate died, and prisoners in Newgate to the number of sixty-four." In 'Wood's History of Oxford' there is a record of a contagious fever which broke out at the assize of Cambridge in 1521. The justices, gentlemen, bailiffs, and others "resorting thither took such an infection that many of them died, and almost all that were present fell desperately sick, and narrowly escaped with their lives." After this comes the Black Assize at Oxford in 1577, when, Holinshed says, "there arose amidst the people such a dampe that almost all were smouldered, very few escaping. . . . the jurors presently dying, and shortly after Sir Robert Bell, Lord Chief Baron." To this account we may add that in 'Baker's Chronicle,' which states that all present died within forty hours, the Lord Chief Baron, the sheriff, and three hundred more. The contagion spread into the city of Oxford, and thence into the neighbourhood, where there were

* Lind, 'Health of our Seamen.'

many more deaths. Stowe has another reference to the fever about this date, and tells us that in the King's Bench Prison, in the six years preceding the year 1579, a hundred died of a certain contagion called "the sickness of the house." Another outbreak occurred at Exeter, 1586, on the occasion of holding the city assizes, when "a sudden and strange sickness," which had appeared first among the prisoners in the gaol, was dispersed at their trial through the audience in court, "whereof more died than escaped," and of those that succumbed, some were constables, some reeves, some tithing men or jurors. No wonder that Lord Bacon, in writing on the subject, should characterize "the smell of the jail the most pernicious infection, next to the plague. When prisoners have been long and close and nastily kept, whereof we have had in our time experience twice or thrice, both judges that sat upon the trial, and numbers of those that attended the business or were present, sickened upon it and died."

The gaol distemper is but sparingly mentioned throughout the seventeenth century, but as the conditions were precisely the same, it is pretty certain that the disease existed then, as before and after. But in the first half of the eighteenth century we have detailed accounts of three serious and fatal outbreaks. The first was at the Lent Assizes held in Taunton in 1730, "when," Howard says, "some prisoners who were brought thither from the Ilchester gaol infected

the court; and Lord Chief Baron Pengelly, Sir James Shepherd, sergeant, John Pigott, Esq., sheriff, and some hundreds besides died of the gaol distemper." The second case occurred also in the west country, at Launceston, where "a fever which took its rise in the prisons was disseminated far and near by the county assizes, occasioned the death of numbers, and foiled frequently the best advice." It is described as a contagious, putrid, and very pestilential fever, attended with tremblings, twitchings, restlessness, delirium, with, in some instances, early phrenzy and lethargy; while the victims broke out often into livid pustules and purple spots. The third case of gaol fever was in London in 1750, and it undoubtedly had its origin in Newgate. At the May Sessions at the Old Bailey there was a more than usually heavy calendar, and the court was excessively crowded. The prisoners awaiting trial numbered a hundred, and these were mostly lodged in two rooms, fourteen feet by seven, and only seven feet in height; but some, and no doubt all in turn, were put into the bail dock; many had long lain close confined in the pestiferous wards of Newgate. The court itself was of limited dimensions, being barely thirty feet square, and in direct communication with the bail dock and rooms beyond, whence an open window, "at the furthest end of the room," carried a draught poisoned with infection towards the judges' bench. Of these four, viz. Sir Samuel Pennant, the Lord Mayor, Sir Thomas Abney and Baron Clark,

the judges, and Sir Daniel Lambert, alderman, were seized with the distemper, and speedily died; others, to the number of forty, were also attacked and succumbed. Among them were some of the under-sheriffs, several members of the bar and of the jury; while in others of lesser note the disease showed itself more tardily, but they also eventually succumbed. Indeed, with the exception of two or three, none of those attacked escaped.* The symptoms were the same as these already described, including the delirium and the spots on the skin.

The Corporation of London, moved thereto by a letter from the Lord Chief Justice, and not unnaturally alarmed themselves at the ravages of a pestilence which spared neither Lord Mayor nor aldermen, set about inquiring into its origin. A committee was appointed for this purpose in October, 1750, five months after the last outbreak, and their instructions were to ascertain "the best means for procuring in Newgate such a purity of air as might prevent the rise of those infectious distempers.". . . The committee consulted the Rev. Dr. Hales and Dr. Pringle, F.R.S.,† the

* According to Lord Campbell, Lord Chief Justice Lee was attacked with the gaol fever in this year, but recovered. It was through Lee's remonstrances that certain precautions were adopted, such as plunging a hot iron into a bucket full of vinegar and sweet smelling herbs. 'Lives of the Lord Chief Justices.'

† Dr. (afterwards Sir John) Pringle had already published (1750) a pamphlet on hospital and 'jayl' fevers, in which he traced the distemper to jails being too small for their numbers, and too insecure to forego the use of dungeons. The only resource, he said, until these two evils were removed, was in ventilators.

latter of whom subsequently published a paper in the 'Transactions of the Philosophical Society,' containing much curious information concerning the disease. The remedy suggested by Dr. Hales, and eventually approved of by the committee, was to try further the ventilator which some time previously had been placed upon the top of Newgate. Nothing less than the reconstruction on an extended plan of the prison, which was acknowledged to be too small for its average population, would have really sufficed, but this, although mooted, had not yet taken practical shape. The existing ventilator was in the nature of a main trunk or shaft, into which other air-pipes led from various parts of the prison. But these were neither numerous nor effective, while there was no process of extraction or of obtaining an up-draught. To effect this a machine was erected upon the leads of Newgate with large arms like those of a windmill. The plan was fully approved of by the Court of Aldermen, but its execution was delayed. At length, in July, 1752,* Dr. Pringle heard that a portion of the machine was completed and in working order, and went to inspect it, accompanied by other medical men. "Having visited several of the wards," he says, "we were all of us very sensible that such as were provided with ventilating tubes were much less offensive than the rest that wanted them." The air of the whole gaol they thought was

* In this year 1752 another Lord Mayor, Winterbottom, died of the gaol fever. Lord Campbell's 'Lives of Lord Chief Justices.'

distinctly improved. Some of the wards indeed were so free from the smell peculiar to such places that Dr. Pringle felt persuaded that if the design was completed, and persons appointed to regulate the sliders of the tubes, and keep the machine in order, the usual evil effects of overcrowding in gaols might be in a great measure if not wholly prevented in Newgate.

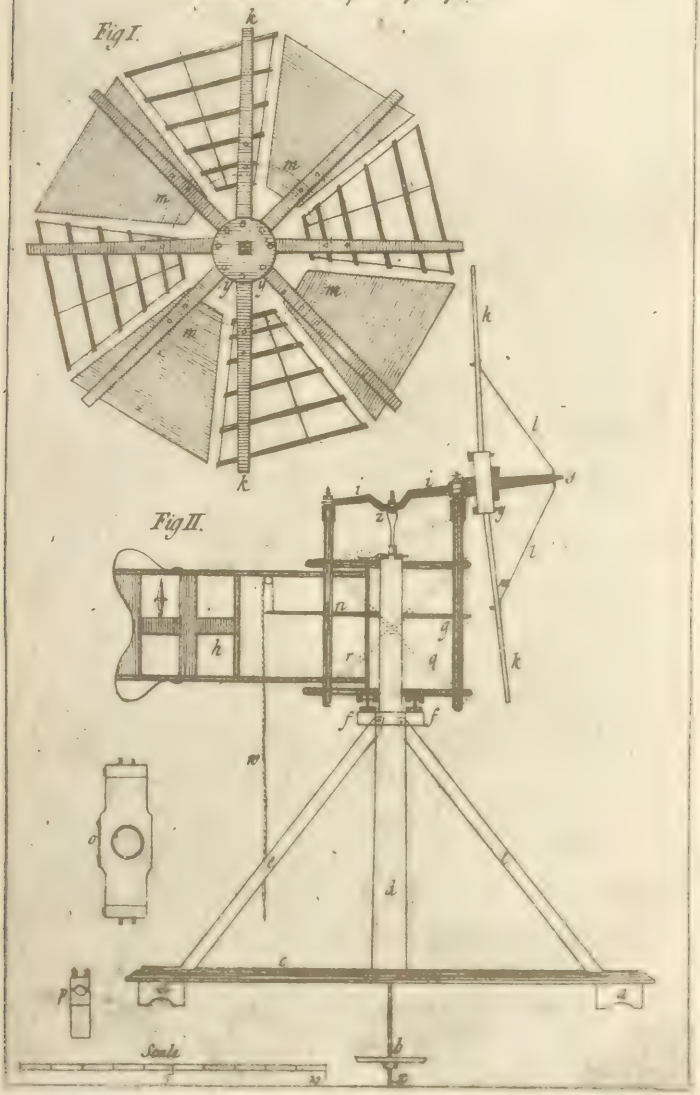
Nevertheless, throughout the execution of the work and afterwards the air of Newgate continued pestiferous and fatal to all who breathed it. The workmen employed in fixing the tubes ran great risks, and in several cases were seized with unmistakable gaol fever. One man had found himself indisposed for some days and left off work; then returning to Newgate, he had been employed in opening one of the tubes of the old ventilator which had stood for three or four years. Such an offensive smell had issued from the tube that he was seized with sickness and nausea. He went home, and that night fell ill of the fever, being afflicted with violent headache, retching, trembling of the hands, and last of all delirium. He was admitted into St. Thomas' Hospital, and said to be suffering from continued fever, attended with stupor and a sunk pulse. Another victim was a fellow workman, who from having been active and full of health, fell ill after working at Newgate, and shewed the same symptoms. Three more of his companions were also attacked, all of whom had the headaches, tremblings, stupor, and "petechial" spots.

One of these was a lad of fifteen, who had been forced by his fellows to go down the great trunk of the ventilator in order to bring up a wig which some one had thrown into it; on coming up again he was immediately attacked by a violent headache, a great disorder in his stomach, and nausea, none of which had left him when seen weeks later. A peculiarity in his case was, that he had been twice let down into the ventilator when the machine on the leads had been standing still, and he had suffered no ill effects; but the last time it was in motion, and the heavily-laden up-draught had well nigh poisoned him and two others who had dragged him out of the shaft. These cases did not complete the mischief done. The infection was carried home and spread in the families of those attacked in Newgate. Wives, children, friends, and nurses all fell sick in turn. Besides those who received the contagion at second-hand, there were seven originally infected in the gaol, and this out of a total of eleven workmen employed.

It is probable that the great windmill and ventilator * did some good, for there is no further mention of epidemic seizure in court. But the sanitary condition of the inmates of Newgate cannot have been permanently or very appreciably improved. I find in the Home Office papers, under date July, 1769,

* A full account of the ventilator from the pen of Dr. Hales is published in the 'Gentleman's Magazine,' vol. xxii. p. 180 (1752), where also is the plan of the windmill which worked it, which plan I have introduced into this chapter. The various letters on the plan refer to the detailed description in the original.

The Windmill fixed on Newgate to work the Ventilators erected there April 17: 1752.



a letter from Fras Ingram to Lord —— in favour of one William Wiseman, condemned for petty larceny, and awaiting transportation. The prisoner was in chains in Newgate, and when Mr. Ingram's servant went to inquire for him he was forbidden to approach the bars of the room in which Wiseman was detained. The prison was so foul and loathsome in this hot season that there was a fear lest Mr. Ingram's servant should run the risk of taking and carrying away the infection of the gaol distemper.

The gaol fever or its germs must indeed have been constantly present in Newgate. The more crowded the prison the more sickly it was. The worst seasons were the middle of winter or the middle of summer, or when the weather was damp and wet. The place was seldom without some illness or other ; but in one year, according to Mr. Akerman, about sixteen died in one month from the gaol distemper. Mr. Akerman declared that the fever was all over the gaol, and that in ten years he had buried eight or ten of his servants. He also gave a return to the Commons' committee, which showed that eighty-three prisoners had died between 1758 and 1765, besides several wives who had come to visit their husbands, and a number of children born in the gaol. This statement was supported by the evidence of the coroner for Middlesex, Mr. Beach, who went even further, and made out that one hundred and thirty-two had died between 1755 and 1765, or forty-nine more in the two additional years. In 1763 the deaths had been twenty-eight,

all of them of contagion, according to Mr. Beach, who was also of opinion that a large percentage of the whole one hundred and thirty-two had died of the gaol fever.

Twenty years later, when Howard was visiting prisons, he heard it constantly affirmed by county gaolers that the gaol distemper was brought into their prisons by prisoners removed under Habeas Corpus from Newgate. In May, 1763, I find an inquisition was held in the new gaol, Southwark, upon the body of Henry Vincent, one of five prisoners removed there from Newgate. It then appeared that the Southwark prisoners had been healthy till those from Newgate arrived, all five being infected. About this date too, according to the coroner for Middlesex, there were several deaths in the new gaol, of prisoners brought from Newgate who had caught the fever in that prison. This same coroner had taken eleven "inquisitions" at Newgate in a couple of days, all of whom he thought had died of the gaol distemper. He was also made ill himself by going to Newgate. Again in 1772 there was a new alarm of epidemic. In the sessions of the preceding year there had been an outbreak of malignant distemper, of which several had died. An attempt was made to tinker up the ventilator, and other precautions taken. Among the latter was a plan to convey the fumes of vinegar through pipes into the Sessions House while the courts were sitting. At this date there was no regular medical

officer in attendance on the Newgate prisoners, although an apothecary was paid something for visiting occasionally. Howard expresses his opinion strongly on the want. "To this capital prison," he says, "the magistrates would, in my humble opinion, do well to appoint a physician, a surgeon, and an apothecary." The new prison, that built by Dance, and still standing (1883), was just then in process of erection,* and was intended to embody all requirements in prison construction. But Howard was dissatisfied with it. Although it would avoid "many inconveniences of the old gaol," yet it had some manifest errors. "It is too late," he goes on, "to point out particulars. All I say is, that without more than ordinary care, the prisoners in it will be in great danger of gaol fever."†

William Smith, M.D., who, from a charitable desire to afford medical assistance to the sick, inspected and reported in 1776 upon the sanitary conditions of all the London prisons, had not a better opinion of the new Newgate than had Howard. The gaol had now a regular medical attendant, but "it was filled with nasty ragged inhabitants, swarming with vermin, though Mr. Akerman the keeper is extremely humane in keeping the place as wholesome as possible." The new prison, goes on Dr. Smith, is built upon the old principle of a great number being crowded together into one ward, with a yard for them to assemble in

* For full account of this see next chapter.

† Lord George Gordon died of it in the new Newgate in 1793.

in the day, and a tap where they may get drink when they please and have the money to pay. He had no fault to find with the wards, which were large, airy, high, and "as clean as can well be supposed where such a motley crew are lodged." But he condemns the prison, on which so much had been already spent, and which still required an immense sum to finish it. Its site was, he thought, altogether faulty. "The situation of a gaol should be high and dry in an open field, and at a distance from the town, the building spacious, to obviate the bad effects of a putrid accumulation of infectious air, and extended in breadth rather than height. The wards should have many divisions to keep the prisoners from associating." Dr. Smith found that the numbers who sickened and died of breathing the impure and corrupted air were much greater than was imagined. Hence, he says, the absolute necessity for a sufficiency of fresh air, "the earth was made for us all, why should so small a portion of it be denied to those unhappy creatures, while so many large parts lay waste and uncultivated?"

Another person, well entitled to speak from his own knowledge and practical experience, declared that the new gaol contrasted very favourably with the old. This was Mr. Akerman the keeper, who was the friend of Johnson and Boswell, and whom Dr. Smith and others call extremely humane. But Mr. Akerman, in giving evidence before a committee of the House of Commons in 1779, while urging that

few were unhealthy in the new prison, admitted that he had often observed a dejection of spirits among the prisoners in Newgate which had the effect of disease, and that "many had died broken-hearted." Mr. Akerman clearly did his best to alleviate the sufferings of those in his charge. For the poor convicted prisoner, unable to add by private means or the gifts of friends to the meagre allowance of the penny loaf per diem, which was often also fraudulently under weight, the keeper provided soup out of his own pocket, made of the coarse meat commonly called clods and stickings.

Mr. Akerman had many good friends. He was an intimate acquaintance of Mr. James Boswell, their friendship no doubt having originated in some civility shown to Dr. Johnson's biographer at one of the executions which it was Boswell's craze to attend. Boswell cannot speak too highly of Mr. Akerman. After describing the Lord George London Riots.* he says, "I should think myself very much to blame did I here neglect to do justice to my esteemed friend Mr. Akerman, the keeper of Newgate, who long discharged a very important trust with an uniform intrepid firmness, and at the same time a tenderness and a liberal charity, which entitles him to be recorded with distinguished honour." He goes on to describe in detail an incident which certainly proves Mr. Akerman's presence of mind and capacity as a gaol governor. The story has been often quoted, but it

* See next chapter.

is so closely connected with the chronicles of Newgate that I cannot forbear giving it again to the public. "Many years ago a fire broke out in the brick part, which was built as an addition to the old gaol of Newgate. The prisoners were in consternation and tumult, calling out, 'We shall be burnt! we shall be burnt! down with the gate! down with the gate!' Mr. Akerman hastened to them, showed himself at the gate, and having after some confused vociferations of 'Hear him! hear him!' obtained a silent attention, he then calmly told them that the gate must not go down; that they were under his care, and that they should not be permitted to escape; but that he could assure them they need not be afraid of being burnt, for that the fire was not in the prison properly so called, which was strongly built with stone; and that if they would engage to be quiet he himself would come to them and conduct them to the further end of the building, and would not go out till they gave him leave. To this proposal they agreed; upon which Mr. Akerman, having first made them fall back from the gate, went in, and with a determined resolution ordered the outer turnkey upon no account to open the gate, even though the prisoners (though he trusted they would not) should break their word and by force bring himself to order it. 'Never mind me,' he said, 'should that happen.' The prisoners peaceably followed him while he conducted them through passages of which he had the keys to the extremity of the gaol which was most

distant from the fire. Having by this very judicious conduct fully satisfied them that there was no immediate risk, if any at all, he then addressed them thus: 'Gentlemen, you are now convinced that I told you true. I have no doubt that the engines will soon extinguish the fire; if they should not, a sufficient guard will come, and you shall be all taken out and lodged in the compters. I assure you, upon my word and honour, that I have not a farthing insured. I have left my house that I might take care of you. I will keep my promise and stay with you if you insist upon it; but if you will allow me to go out and look after my family and property I shall be obliged to you.' Struck with his behaviour, they called out, 'Master Akerman, you have done bravely; it was very kind in you; by all means go and take care of your own concerns.' He did so accordingly, while they remained and were all preserved." Akerman received still higher praise for this, which was generally admitted to be courageous conduct. Dr. Johnson, according to Boswell, had been heard to relate the substance of the foregoing story "with high praise, in which he was joined by Mr. Edmund Burke." Johnson also touched upon Akerman's kindness to his prisoners, and "pronounced this eulogy upon his character. He who has long had constantly in his view the worst of mankind, and is yet eminent for the humanity of his disposition, must have had it originally in a great degree, and continued to cultivate it very carefully."

Another tribute to Akerman's worth comes from a less distinguished but probably not less genuine source. In the letters of the wretched Hackman already referred to,* he speaks in terms of warm eulogy of this humane gaoler. "Let me pay a small tribute of praise," he says. "How often have you and I complained of familiarity's blunting the edge of every sense on which she lays her hand?... what then is the praise of that gaoler who, in the midst of misery, crimes, and death, sets familiarity at defiance and still preserves the feelings of a man? The author of the 'Life of Savage' gives celebrity to the Bristol gaoler, by whose humanity the latter part of that strange man's life was rendered more comfortable. Shall no one give celebrity to the present keeper of Newgate? Mr. Akerman marks every day of his existence by more than one such deed as this. Know, ye rich and powerful, ye who might save hundreds of your fellow creatures from starving by the sweepings of your tables, know that among the various feelings of almost every wretch who quits Newgate for Tyburn, a concern neither last nor least is that which he feels upon leaving the gaol of which this man is the keeper." †

Life in Newgate, with its debauchery and foul

* See page 379.

† Dr. Dodd in his 'Prison Thoughts' animadverts strongly upon the evils of Newgate, but completely exonerates Mr. Akerman. "No man could do more," says Dr. Dodd. "His attention is great, and his kindness and humanity to those in sickness or affliction peculiarly pleasing."

discomfort, the nastiness and squalor of its surroundings, the ever-present infectious sickness due to constant overcrowding, and the utter absence of all cleanliness, or efforts at sanitation, must have been terrible. Evil practices went on without let or hindrance inside its walls. There is clear evidence to show that the sexes were intermixed during the daytime. The occupants of the various wards had free intercourse with each other: they had a reciprocal conversation, exchanged visits, and "assisted each other with such accommodaton as the extension of their present circumstances permitted." Dinner was at two in the afternoon, and when prisoners possessed any variety or novelty in food, they were ready to trade or barter with it among themselves. After dinner the rest of the day and night was spent at "cards, draughts, fox and geese," or, as gambling was not interdicted, at games of chance, which led to numerous frauds and quarrels. Rapid moral deterioration was inevitable in this criminal sty. The prison was still and long continued a school of depravity, to which came tyros, some already viciously inclined, some still innocent, to be quickly taught all manner of iniquity, and to graduate and take honours in crime. It is on record that daring robberies were concocted in Newgate between felons incarcerated and others at large, who came and went as they pleased. The gaol was the receptacle for smuggled or stolen goods; false money was coined in the dark recesses of its gloomy wards and passed out into circulation. Such work was the natural employment

of otherwise unoccupied brains and idle hands. Thefts inside the gaol were of common occurrence. The prisoners picked the pockets of visitors whenever they had the chance, or robbed one another.*

It was not strange that the inmates of Newgate should hold this miserable life of theirs pretty cheap, and be ready to risk it in any way to compass enlargement from gaol. Newgate was always constantly drawn upon by those who wanted men for any desperate enterprise. In the early days of inoculation, soon after it had been introduced by Lady Mary Wortly Montague from the East, and when it was still styled engrafting, "the process was first tried upon seven condemned prisoners, with a certain success." Again, a reprieve was granted to another convict under sentence of death, on condition that he permitted an experiment to be performed on his ear. The process, which was the invention of a Mr. Chas. Elden, was intended to cure deafness by cutting the tympanum. Sometimes a convicted criminal was allowed to choose between a year's imprisonment in Newgate or taking service

* There is a brief account of Newgate about this period in the 'Memoirs of Casanova,' who saw the interior of the prison while awaiting bail for an assault. Casanova was committed in ball dress, and was received with hisses, which increased to furious abuse when they found he did not answer their questions, being ignorant of English. He felt as if he was in one of the most horrible circles of Dante's hell. He saw, "Des figures fauves, des regards de vipères, des sinistres sourires tous les caractères de l'envie de la rage, du desespoir; c'était un spectacle epouvantable."—'Memoires,' vi. 48.

under the Crown. There are also many entries in the State Papers of prisoners pardoned to join His Majesty's forces. Not that these very questionable recruits were willingly accepted. I find on 13th May, 1767, in reply to a letter forwarding a list of convicts so pardoned, a protest from the Secretary of War, who says that commanding officers are very much averse from accepting the services of these gaol-birds, and have often solicited him not to send them out to their regiments. The practice was the more objectionable as at that time the term of service for free volunteers was for life, while the ex-convicts only joined the colours for a limited period. The point was not pressed therefore in its entirety, but the concession made, that these convicts should be enlarged for special service on the west coast of Africa. It was argued that "considering the unhealthiness of the climate, His Majesty is desirous that the troops stationed there should be recruited rather with such men as must look upon that duty as a mitigation of their sentences than with deserving volunteers." But to this again objections were raised by the agent to the troops at Senegal, who pointed out the extreme danger to life and property of sending "nineteen sturdy cut-throats armed and accoutred" to reside within the walls of a feeble place, having a total garrison of sixty men, adding that, "should this embarkation of thieves take place he would be glad to insure his property at seventy-five per cent."

CHAPTER XI.

THE NEW GAOL.

Corporation anxious to check gaol fever—Appoints committee to report as to building a new prison—York Castle proposed for imitation—Plans obtained, and given to city architect, Mr. Dance—Nothing is done, and in 1757 neighbours petition Corporation that they are afraid of infection from Newgate—A new committee appointed, which furnishes designs, but Government will not give grant in aid, and project again falls through—Revived again and again to no effect—In 1762 Press-yard destroyed by fire—Two prisoners burnt to death—It is at last decided to rebuild—7 Geo. III. empowers Corporation to raise funds—Specification of expenditure—£50,000 total amount proposed—Found insufficient, and an additional £40,000 authorized—Lord Mayor Beckford lays first stone in 1770—The new gaol is gutted in the Lord George Gordon riots—Origin of these riots—Lord George presents, at head of procession, petition to House of Commons—Riotous demonstrations—Mob attracted to Newgate—The gaoler, Mr. Akerman, summoned to surrender, and release his prisoners—He refuses, and seeks help from Sheriffs—Rioters storm Newgate—Sack Governor's house—His furniture is burnt against the gates, which finally give way—Rioters, headed by Dennis the hangman, rush in and set inmates free—Extraordinary effects of the fire—Other gaols attacked and burnt—The military called out, and much blood shed before calm is restored—Many released prisoners return to Newgate of their own accord—Some try to rekindle the fire—Lord George arrested, lodged in the Tower, and tried for high treason, but acquitted—Six years later, he takes up the case of some Newgate prisoners in a

pamphlet, called libellous, for which he is prosecuted - Arrested in Jewish garb in Birmingham—He undertakes his own defence—He protests against the criminal Law, and declares himself the victim of persecution—Prosecuted for second libel against Queen of France and the French Ambassador - Lord George is found guilty on both counts—Sentenced to fines and imprisonment in Newgate—Dies in Newgate of gaol fever, 1793—Recovery of Newgate keys, stolen during riots—Cost of repairing gaol after the fire.

I HAVE described in the preceding chapter how the gaol fever spread from Newgate to the Old Bailey in 1750, and the havoc it occasioned. An account has also been given of the steps taken by the Corporation to minimize the chances of a fresh outbreak. The erection of a ventilator and windmill might do something towards rendering Newgate less foul, but much more was needed to make it a suitable receptacle for the numbers it was often called upon to hold. The total acreage covered by its ill-contrived, ruinous buildings was under three quarters of an acre, and upon this space as many as three hundred persons were sometimes crowded together ;* while a part of this limited area was otherwise occupied by the Old Bailey Sessions' House, gardens, and yards. The existing prison was obviously inadequate. One of the sheriffs in the year of the

* Some notion of the density of the prison population in Newgate in those times will be obtained by comparing it with modern ideas on this subject. The following figures give the acreage and average population of three comparatively new prisons.

Prison.	Acreage.	Average prison population.
Warwick	9A. 3R. 2P.	300
St. Albans	4 2 1	100
Lincoln	16 0 15	180

great mortality stigmatizes it as an abominable sink of beastliness and corruption. The Lord Mayor, judges, and the whole of the Court of Aldermen were so thoroughly persuaded, we are told, that notwithstanding all precautions, no effectual remedy could be applied to check the gaol infection but that of reconstruction, that a committee of the Common Council was appointed to consider the best method of building a new prison. It was for this reason, says a letter from one of the sheriffs who had been in office in 1750, that the old ruinous buildings between the Old Bailey Sessions' House and Newgate belonging to the city were allowed to fall in, and that a plan for a new gaol became the general topic, as well as the general desire. Many people sought to have a finger in the pie. The committee to which the subject had been referred was lectured and advised in numerous letters, some authenticated, and many anonymous. It was suggested that they should imitate the example of the county of York, which had not long before rebuilt the gaol on an excellent plan, with sufficient internal area, water in great plenty, and all other conveniences, so that the inmates, averaging from a hundred to a hundred and twenty at most, are almost certain of being preserved in a healthy state at all times. Application was actually made to the Yorkshire county authorities, who forwarded four plans of their prison—"the noble prison in a spacious area," of which Howard speaks in 1772. These plans came into the

hands of Mr. Dance, the city surveyor, who seems to have been guided by them in the design he furnished the Newgate committee in 1755 for a new prison.

This committee was not ambitious, and was satisfied with endeavouring to improve and extend rather than reconstruct. "The business of enlarging the gaol engaged its attention," we are told. It was to be effected according to their idea by making an "airy" or walking place for prisoners. For this purpose all the houses between Newgate and the Sessions' House Gate were to be taken down, and an enclosure made on the space, surrounded by a strong wall. This recommendation when brought forward by the committee scarcely went far enough for the Common Council, who were at first strongly of opinion that it would be more proper to rebuild the gaol. But although they were convinced of the propriety, they speedily let the matter drop, and nothing was done as regards Newgate for another couple of years.

In 1757, however, the residents in the immediate neighbourhood of Newgate raised their protest against the gaol, and petitioned the Corporation, "setting forth their apprehensions from their vicinity to Newgate, and from the stenches proceeding therefrom, of being subject to an infectious disease called the gaol distemper." Upon receipt of this petition, the Common Council appointed a fresh committee, and the various allegations were gone into seriatim. They next surveyed the gaol itself and the

surrounding premises, examined the site with a view to rebuilding, and had plans prepared with estimates and specifications as to cost of ground and construction. The projected design embraced a series of quadrangles, one for the debtors and another for the felons, with an area to each. The probable expense for a work which the committee were of opinion was greatly needed would amount to about £40,000, for which sum "they did resolve to petition Parliament for a grant." This petition was, however, never presented. Mr. Alderman Dickens, having spoken privately to the Chancellor of the Exchequer on the subject, was informed that no public money would be forthcoming, and the project again fell through.

It did not entirely drop notwithstanding. To the credit of the Corporation it must be stated, that many attempts were made to grapple with the difficulties of ways and means. Application was made to Parliament more than once for powers to raise money for the work by some proportionable tax on the city and county, but always without avail. Parties differed as to the manner in which funds should be obtained, yet all were agreed upon the "immediate necessity for converting this seat of misery and disease, this dangerous source of contagion, into a secure and wholesome place of confinement." The matter became more urgent, the occasion more opportune, when that part of the prison styled the press-yard was destroyed by fire in 1762.

Some account of this fire may be inserted here.

It broke out in the middle of the night at the back of the staircase in the press-yard, and in a few hours consumed all the apartments in that place, and greatly damaged the chapel. Other adjoining premises, particularly that of a stocking-trimmer in Phœnix Court, were greatly injured by the fire. Worst of all, two prisoners perished in the flames. One was Captain Ogle, who had been tried for murdering the cook of the Vine Tavern, near Dover St., Piccadilly, but had been found insane on arraignment, and had accordingly been detained in prison "during His Majesty's pleasure." There was no Broadmoor asylum in those days for criminal lunatics, and Newgate was a poor substitute for the palatial establishment now standing among the Berkshire pine woods. The fire was supposed to have originated in Captain Ogle's room. Beneath it was one occupied by Thomas Smith, a horse-dealer, committed to prison on suspicion of stealing corn from Alderman Masters. Smith's wife the night before the conflagration had carried him the whole of his effects, amounting to some five or six hundred pounds in notes and bank bills. When the fire was raging Smith was heard to cry out for help. He was seen also to put his arm through the iron grating, which, however, was so excessively hot that it set his shirt on fire. About this time it is supposed that he threw out his pocket-book containing the notes; it was caught and the valuables saved. A few minutes later the floor fell in, and both Captain Ogle and

Smith were buried in the ruins. The fire had burnt so fiercely and so fast that no one could go to the assistance of either of these unfortunates. By six a.m., there being an abundance of water handy, the flames had greatly abated, but the fire continued to burn till two in the afternoon, and ended by the fall of a party wall, which happily did no great damage. About four a.m. the Lord Mayor and sheriffs arrived upon the scene, and took an active part in the steps taken to check the fire and provide for the safety of the prisoners.

This was no doubt the fire at which Mr. Akerman behaved with such intrepidity, and which has already been described.*

After the fire it was admitted that the proper time was arrived for "putting in execution the plan of rebuilding this inconvenient gaol, which was thought of some time ago." Once more a committee of the Common Council was appointed, and once more the question of site was considered, with the result that the locality of the existing prison was decided upon as the most suitable and convenient. Upon the receipt of this report, 1763, it was resolved to petition Parliament again for assistance, and this time the petition was actually presented. But the zeal of the Corporation for prison reform must have waxed cold, for I find it recorded in 1765 (5th March) that the project for rebuilding Newgate was laid aside. But the House of Commons, however, had not ignored the

* See last chapter.

city's petition. They had referred the whole subject to a committee, which took the evidence of all persons closely concerned. It was clearly proved that a new gaol was indispensable. Mr. Dance, the city surveyor, was quite against extension or reappropriation by adding on the Sessions' House, and there was nothing to be done but to build a new prison. An Act was accordingly passed in 1766 (the 7 Geo. III.), authorizing the Corporation to raise for various works a certain sum at 3½ per cent. per annum, to be paid off by a tax at the rate of 6*d.* per ton on coal or culm imported into the city, of which £50,000 were to be applied to the purpose of erecting the new Newgate.

The following is a short summary of the various items of proposed expenditure, extracted from a pamphlet published by the Corporation under date 1767.

Leasehold interests to be purchased in the Old Bailey from the Mason's Yard to Newgate, and some houses opposite thereto	£6000
N.B.—The old materials will pay for taking down and clearing away the rubbish to the surface of the streets.	
The new prison, to answer the present Sessions' House, and to contain distinct wards for the men and women debtors, the men and women felons, transports, and convicts, a chapel, a keeper's house, tap-houses, surtery, yards, area, ponds of water, will require 160 square yards of new building, which, on account of the requisite strength per square, will cost £250 per square . . .	£40,000
Salaries and gratuities to the surveyor, the committee clerk, the chamberlain's clerks, &c.	2,750
Incidental Expenses	1,250
	£50,000

The sum of £50,000 already referred to, and raised under the powers granted by the 7 Geo. III., was not found sufficient to complete the gaol, after the manner of building estimates, which too often mislead all those who are beguiled into expenditure upon bricks and mortar. The foundations cost £19,000. It was necessary to sink them a depth of forty feet, as the site was that of the ditch of the old London Wall, besides which the neighbouring houses had to be shored. Ten years later, when the building was still incomplete, another Act of Parliament became necessary to increase the funds at the disposal of the Corporation. This Act, the 18 Geo. III. cap. 48, authorized the city to raise £40,000 for Newgate buildings upon the credit of the surpluses of a fund known as the Orphans' Fund. It set forth that the Corporation had "proceeded in the erection of a new, spacious, and commodious gaol, and for that purpose have given up to the public the freehold of a very large and extensive tract of ground;" moreover, that they had already laid out £50,000 on this new gaol, as well as £15,000 on a new Sessions' House, and £6,250 to buy several houses in the Old Bailey, "in order to make the new gaol more healthy and the avenues thereto more convenient." The Act then goes on to say, that as the new prison still lacks an infirmary, which if built would "greatly contribute to the health of the prisoners, and thereby be of great public utility," that the Corporation are in possession of a piece of ground quite handy and suitable for the

purpose, and that as a sum of £20,000 would build it, while another £20,000 would complete the gaol, the Corporation are empowered to raise the money in the manner already mentioned, by the issue of bonds at 4½ per cent. interest.

The first stone of the new gaol was laid on the 31st May, 1770, by the Lord Mayor, William Beckford, Esquire, the founder of that family.

Within a year or two of its completion, the new Newgate had to pass through an ordeal which nearly threatened its existence. Its boasted strength as a place of durance was boldly set at naught, and almost for the first and last time in this country this gaol, with others in the metropolis, was sacked and its imprisoned inmates set free. The occasion grew out of the so-called Lord George Gordon Riots in 1780. These well-known disturbances had their origin in the relaxation of the penal laws against the Roman Catholics. Such concessions raised fanatical passion to fever pitch. Ignorance and intolerance went hand in hand, and the malcontents, belonging mainly to the lowest strata of society, found a champion in a weak-minded and misguided cadet of the ducal house of Gordon. Lord George Gordon,* who was a member of the House of Commons, showed signs of eccentricity soon after he took his seat, but it was at

* Lord George Gordon was the son of Cosmo, Duke of Gordon, and was born in 1750. He entered the navy as a midshipman, but left the service in consequence of a dispute with Lord Sandwich. He sat in Parliament for Ludgershall, and was a bitter opponent of the ministry.

first more ridiculous than mischievous. Lord George became more dangerously meddlesome when the anti-Catholic agitation began. It was to him that the Protestant association looked for countenance and support, and when Lord North at his instance refused to present a petition from that society to Parliament, Lord George Gordon promised to do so in person, provided it was backed by a multitude not less than 20,000 strong.

This led to the great gathering in St. George's Fields on the 2nd June, 1780, when thousands organized themselves into three columns, and proceeded to the House of Commons across the three bridges, Westminster, Blackfriars, and London Bridge. Lord George headed the Westminster procession, and all three concentrated at St. Stephens between two and three in the afternoon. There the mob filled every avenue and approach; crowds overflowed the lobbies, and would have pushed into the body of the House. Lord George went ahead with the monster petition, which bore some 120,000 signatures or "marks," and which the Commons by a negative vote of 192 to 6 refused to receive. After this the rioters, at the instigation of their leader, hastened *en masse* to destroy the chapels of the foreign ambassadors. This was followed by other outrages. While some of their number attacked and rifled the dwellings of persons especially obnoxious to them, others set fire to public buildings, and ransacked the taverns. The military had been called out early in

the day, and had made many arrests. As the prisoners were taken to Newgate, the fury of the populace was attracted to this gaol, and a large force, computed at quite two-thirds of the rioters, proceeded thither, determined to force open its gates. This mob was composed of the lowest scum of the town, roughs brutal and utterly reckless, having a natural loathing for prisons, their keepers, and all the machinery of the law. Many already knew, and but too well, the inside of Newgate, many dreaded to return there, either as lodgers or travellers bound on the fatal road to Tyburn. One wild fierce desire was uppermost with all, one thought possessed their minds to the exclusion of all others—to destroy the hateful prison-house and raze it to the ground.

On arriving at the Old Bailey in front of the stone façade, as grim and solid as that of any fortress, the mob halted and demanded the gaoler, Mr. Akerman, who appeared at a window, some say on the roof, of his house, which forms the centre of the line of buildings facing Newgate street. When he appeared the mob called on him to release their confederates and surrender the place unconditionally. Mr. Akerman distinctly and without hesitation refused, and then, dreading what was coming, he made the best of his way to the sheriffs, "in order to know their pleasure." As the front of the prison was beset by the densely-packed riotous assemblage, Mr. Akerman probably made use of the side wicket and passage which leads direct from Newgate into the Sessions' House. The

magistrates seemed to have been in doubt how to act; and for some time did nothing. "Their timidity and negligence," says Boswell, helped the almost incredible exertions of the mob. And he is of opinion, that had proper aid been given to Mr. Akerman, the sacking of Newgate would certainly have been prevented. While the magistrates hesitated the mob were furiously active; excited to frenzy, they tried to beat down the gate with sledge-hammers, and vainly sought to make some impression on the massive walls. A portion of the assailants forced their way into the governor's house, and laying hands upon his furniture, with all other combustibles, dragged them out and made a great pile in front of the obdurate door, which still resisted force. The heap of wood, having been anointed with rosin and turpentine, was kindled, and soon fanned into a mighty blaze. The door, heavily barred and bolted, and strongly bound with iron, did not ignite quite readily, but presently it took fire and burnt steadily, though slowly. Meanwhile the rioters fed the flames with fresh fuel, and snatching burning brands from the fire, cast them on to the roof and over the external wall into the wards and yards within. The prisoners inside, who had heard without fully understanding the din, and saw the flames without knowing whether they promised deliverance or foreboded a dreadful death, suffered the keenest mental torture, and added their agonized shouts to the general uproar.

Charles Dickens has drawn an awful picture of

the scene, based upon contemporary and authentic accounts. He has described in glowing language the yielding of the door.

"A shout! Another! another yet, though few knew why, or what it meant. But those around the gate had seen it slowly yield and drop from its topmost hinge. It hung on that side by but one, but it was upright still because of the bar, and of its having sunk of its own weight into the heap of ashes at its foot. There was now a gap at the top of the doorway, through which could be descried a gloomy passage, cavernous and dark. Pile up the fire!

"It burnt fiercely. The door was red hot and the gap wider. They vainly tried to shield their faces with their hands, and standing as if in readiness for a spring, watched the place. Dark figures, some crawling on their hands and knees, some carried in the arms of others, were seen to pass along the roof. It was plain the gaol could hold out no longer. The keeper and his officers and their wives and children were escaping. Pile up the fire!

"The door sank down again; it settled deeper in the cinders—tottered—yielded—was down!"

Dickens gives a prominent place among the rioters to John Dennis the hangman, who himself was, as the records state, sentenced to be hanged for his complicity in these dark doings. Dennis was likely to be familiar with the interior of the gaol. There were no doubt many others who had threaded its gloomy

passages before. With such experienced guides the way must have been easy to find. The outer barriers down, the mob surged like a tidal wave into and through the whole gaol. I will again draw from fiction, which is the more powerful in this case that it is founded upon fact, and will quote from 'Barnaby Rudge.'

"Now they came rushing through the gaol, calling to each other in the vaulted passages; clashing the iron gates dividing yard from yard; beating at the doors of cells and wards; wrenching off bolts and locks and bars; tearing down the door-posts to let men out; endeavouring to drag them by main force through gaps and windows where a child could scarcely pass; whooping and yelling without a moment's rest, and running through the heat and flames as if they were cased in metal. By their legs, their arms, the hair upon their heads, they dragged the prisoners out. Some threw themselves upon their captives as they got towards the door, and tried to file away their irons; some danced about them with a frenzied joy, and rent their clothes, and were ready as it seemed to tear them limb from limb. Now a party of a dozen men came dashing through the yard, . . . dragging a prisoner along the ground, whose dress they had nearly torn from his body in their mad eagerness to set him free, and who was bleeding and senseless in their hands. Now a score of prisoners ran to and fro who had lost themselves in the intricacies of the prison, and were so bewildered with the noise and the

The Burning & Plundering of Venice & Setting the Prisons at Liberty by the Mob.

glare that they knew not where to turn or what to do, and still cried out for help as loudly as before. Anon some famished wretch, whose theft had been a loaf of bread or a scrap of butcher's meat, came skulking past barefooted, going slowly away because that gaol, his house, was burning; not because he had another, or had friends to meet, or old haunts to revisit, or any liberty to gain, but liberty to starve and die. And then a knot of highwaymen went trooping by, conducted by the friends they had amongst the crowd, who muffled their fetters as they went along with handkerchiefs and bands of hay, and wrapped them in coats and cloaks, and gave them drink from bottles, and held it to their lips because of their handcuffs, which there was no time to remove. All this, and Heaven knows how much, was done amidst a noise, a hurry and distraction like nothing that we know of even in our dreams; which seemed for ever on the rise, and never to decrease for the space of a single instant."

Through all this tumult and destruction the law was paralyzed. After much delay the sheriff sent a party of constables to the gaolers' assistance. But they came too late, and easily fell into a trap. The rioters suffered them to pass on till they were entirely encircled, then attacked them with great fury, disarmed them, took their staves, and quickly converted them at the fire into blazing brands, which they threw about to extend the flames. "It is scarcely to be credited," says a narrator, "with what

celerity a gaol which to a common observer appeared to be built with nothing that would burn, was destroyed by the flames. So efficient were the means employed, that the work of destruction was very rapid. Stones two or three tons in weight, to which the doors of the cells were fastened, were raised by that resistless species of crow known to housebreakers by the name of the pig's foot. Such was the violence of the fire, that the great iron bars and windows were eaten through and the adjacent stones vitrified.* Nor is it less astonishing that from a prison thus in flames a miserable crew of felons in irons and a company of confined debtors, to the number in the whole of more than three hundred, could all be liberated as it were by magic, amidst flames and firebrands, without the loss of a single life . . . But it is not at all to be wondered that by a body of execrable villains thus let loose upon the public, the house of that worthy and active magistrate Sir John Fielding should be the first marked for vengeance." In the same way, even before the destruction of Newgate, the house of Justice Hyde, whose activity the rioters resented, had also been stripped of its furniture, which was burnt in front of the door.

Crabbe's account written at the time to a friend is graphic, and contains several new details—"How Akerman, the governor, escaped," he says, "or where he is gone, I know not; but just at the time I speak of they set fire to his house, broke in, and threw

* Pennant's 'London.'

every piece of furniture they could find into the street, firing them also in an instant. The engines came, but they were only suffered to preserve the private houses near the prison. As I was standing near the spot, there approached another body of men—I suppose five hundred—and Lord George Gordon, in a coach drawn by the mob, towards Alderman Bull's, bowing as he passed along. He is a lively-looking young man in appearance and nothing more, though just now the popular hero. By eight o'clock Akerman's house was in flames. I went close to it, and never saw anything so dreadful. The prison was, as I have said, a remarkably strong building; but, determined to force it, they broke the gates with crows and other instruments, and climbed up outside of the cell part, which joins the two great wings of the building where the felons were confined; and I stood where I plainly saw their operations; they broke the roof, tore away the rafters, and having got ladders, they descended. Not Orpheus himself had more courage or better luck. Flames all around them, and a body of soldiers expected, yet they laughed at all opposition. The prisoners escaped. I stood and saw about twelve women and eight men ascend from their confinement to the open air, and they were conducted through the streets in their chains. Three of these were to be hanged on Friday (two days later).

"You have no conception of the frenzy of the multitude. This now being done, and Akerman's

house now a mere shell of brick-work, they kept a store of flame for other purposes. It became red-hot, and the doors and windows appeared like the entrance to so many volcanoes. With some difficulty they then fired the debtors' prison, broke the doors, and they too all made their escape. Tired of the scene, I went home, and returned again at eleven o'clock at night. I met large bodies of horse and foot soldiers coming to guard the Bank and some houses of Roman Catholics near it. Newgate was at this time open to all; any one might get in, and what was never the case before, any one might get out. I did both, for the people were now chiefly lookers-on. The mischief was done, and the doers of it gone to another part of the town. . . . But I must not omit what struck me most: about ten or twelve of the mob getting to the top of the debtors' prison whilst it was burning, to halloo, they appeared rolled in black smoke mixed with sudden bursts of fire—like Milton's infernals, who were as familiar with flames as with each other."

It should be added here that the excesses of the rioters did not end with the burning of Newgate; they did other mischief. Five other prisons, the new prison, Clerkenwell, the Fleet, the King's Bench, the Borough Clink in Tooley Street, and the new Bridewell, were attacked, their inmates released, and the buildings set on fire. At one time the town was convulsed with terror at a report that the rioters intended to open the gates of Bedlam, and let loose gangs of raving

lunatics to range recklessly about. They made an attempt upon the Bank of England, but were repulsed with loss by John Wilkes and the soldiers on guard. At one time during the night as many as thirty-six incendiary fires were ablaze. The troops had been called upon to support the civil power, and had acted with vigour. There was fighting in nearly all the streets, constant firing. At times the soldiers charged with the bayonet. The streets ran with blood. In all, before tranquillity was restored, nearly five hundred persons had been killed and wounded, and to this long bill of mortality must be added the fifty-nine capitally convicted under the special commission appointed to try the rioters.

It was in many cases cruel kindness to set the prisoners free. Numbers of the debtors of the King's Bench were loth to leave their place of confinement, for they had no friends and nowhere else to go. Of the three hundred released so unexpectedly from Newgate, some returned on their own accord a few days later and gave themselves up. It is said that many others were drawn back by an irresistible attraction, and were actually found loitering about the open wards of the prison. Fifty were thus retaken within the walls the day after the fire, and others kept dropping by twos and threes to examine their old haunts and see for themselves what was going on. Some, Dickens says, were found trying to rekindle the fire; some merely prowled about the place, "being often found asleep in the ruins, or sitting talking

there, or even eating and drinking, as in a choice retreat." *

The ringleader and prime mover, Lord George Gordon, was arrested on the evening of the 9th, and conveyed to the Tower. His trial did not come on till the following February at the King's Bench, where he was indicted for high treason. He was charged with levying war against the majesty of the king; "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil; . . . that he unlawfully, maliciously, and traitorously did compass, imagine, and intend to raise and levy war, insurrection, and rebellion," and assembled with some five hundred more, "armed and arrayed in a warlike manner, with colours flying, and with swords, clubs, bludgeons, staves, and other weapons," in the liberty of Westminster. It was proved in evidence that Lord George directed the Associated Protestants to meet him at Westminster in their best clothes, and with blue cockades in their hats, and said he should wear one himself. He was also heard to declare that the king had broken his coronation oath, and to exhort the mob to continue steadfast in so good and glorious a cause. For the defence it was urged that Lord George Gordon had desired nothing but to compass by all legal means the repeal of the Act of Toleration; that he had no other view than the Protestant interest, and had always demeaned himself in the most loyal manner. He had hoped that the

* 'Barnaby Rudge.'

great gathering would be all peaceable; that the mob "should not so much as take sticks in their hands," should abstain from all violence, surrender at once any one riotously disposed; in a word, should exhibit the true Protestant spirit, and if struck should turn the other cheek. Mr. Erskine, Lord George's counsel, after pointing out that his client had suffered already a long and rigorous imprisonment, his great youth, his illustrious lineage and zeal in parliament for the constitution of his country, urged that the evidence and the whole tenor of the prisoner's conduct repelled the belief of traitorous purpose.

Lord Mansfield, who had been a chief victim to the riots, and whose house had been gutted and burnt,* summed up the case fairly and impartially. He laid it down that insurrection, or any forcible attempt to alter laws or gain any end, amounted to levying war against the majesty of the realm. The point was not whether the Toleration Act was a good or a bad one; "whether grievances be real or pretended, whether a law be good or bad, it is equally high treason, by the strong hand of a multitude to force the repeal or redress." It was for the jury to decide, first, whether the multitude did assemble with intent to terrify the legislature into the repeal of

* Lord Mansfield's impartiality at the trial was the subject of general admiration. "He never shewed the slightest tinge of resentment or bias." Yet with his house were destroyed not only much valuable property, but a mass of private journals and letters, which he had been collecting to form the basis of memoirs of his own times, and the loss of which was quite irreparable.

the obnoxious act, and secondly, whether the prisoner at the bar incited, encouraged, and promoted the insurrection. If there was any doubt, however, and the jury were not fully satisfied of Lord George Gordon's guilt, they must acquit him. The jury retired for half an hour, and then brought in a verdict of not guilty.

Lord George, unhappily, could not keep out of trouble, although naturally of mild disposition. He was an excitable, rather weak-minded man, easily carried away by his enthusiasm on particular points. Six years later he espoused, with customary warmth and want of judgment, the case of other prisoners in Newgate, and published a pamphlet purporting to be a petition from them presented to himself, praying him to "interfere and secure their liberties by preventing their being sent to Botany Bay." Prisoners labouring under severe sentences cried out from their dungeons for redress. "Some were about to suffer execution without righteousness, others to be sent off to a barbarous country." "The records of justice have been falsified," the pamphlet went on to say, "and the laws profanely altered by men like ourselves. The bloody laws against us have been enforced, under a normal administration, by mere whitened walls, men who possess only the show of justice, and who condemned us to death contrary to law."

That this silly production should be made the subject of a criminal information for libel, rather justifies the belief that an exaggerated importance

was given to Lord George's vagaries, both by the Government and his own relations and friends. No doubt he was a thorn in the side of his family, but the ministry could well have afforded to treat him and his utterances with contempt. He was, however, indicted at the King's Bench for publishing the petition, which he had actually himself written, with a view to raise a tumult among the prisoners within Newgate, or cause a disturbance by exciting the compassion of those without. The pamphlet included the law and judges in indiscriminate abuse. "The laws," said the Attorney-General, "might not be absolutely perfect, but those who condemned them should not reside under their jurisdiction. The criminal law was nowhere attended to with more, or enforced with so much lenity." * Lord George when "wanted" on these charges was not to be found. At first it was thought he had escaped to Holland, but he was at length arrested in Birmingham, dressed in Jewish garb, and wearing a long beard. Some time before this he had espoused Judaism, even submitting, it was alleged, to circumcision, a change of religious belief for which he was excommunicated at Marylebone church. When put upon his trial he conducted his own defence, and made a long and desultory harangue, which included a history of the English criminal law from the days of Athelstan.

He had been induced, he said, to look into the laws

* This position may well be questioned. *Vide* vol. ii. cap. i.

against felony because of a petty fraud in his family, which he had found constituted a capital offence, although the sum stolen was only eighteenpence. He went on to protest against the code as much too sanguinary, an opinion which proves that there was some method in Lord George Gordon's madness, and that he only lived a little before his time as regards the reform of our criminal law. His pamphlet, every word of which he contended was actually to be found in the Bible, he urged was but the enlargement of this idea, which he had already communicated to Lord Mansfield and other judges, who admitted the propriety of his views, and recommended him to put them on paper. In the course of his address, Lord George complained bitterly of the vexatious prosecutions instituted against him, thus giving colour to the presumption that he was the victim of persecution. He quoted Blackstone to show that *ex officio* informations, such as those filed against him, "are only proper for such enormous misdemeanours as peculiarly tend to disturb or endanger the king's government, and in the punishment or execution of which a moment's delay would be fatal." Yet in his case the informations against him had been pending six and ten months. He complained also that spies had been set over him by the Treasury for several months, and concluded by solemnly declaring that his object had been reformation, not tumult.

The case against him was very clearly made out.

It was proved by a Newgate turnkey that Lord George frequently came to the lodge of the prison and asked to see various prisoners, particularly those under sentence of death, "which request was often denied;" presumably, therefore, he was sometimes admitted. When he had published his pamphlet he had been at great pains to distribute it, especially among the prisoners and prison officials. A man and woman were employed in handing them about at the door of the prison. Copies were also sent to Mr. Akerman, the governor, Mr. Villette, the chaplain, and the turnkeys. One of the latter waited on him at his house in Welbeck Street, and said there was sad work about the distribution of the pamphlet. Lord George replied, "No matter; let them come on as soon as they please; I am ready for them." There were numbers of the pamphlet about, one of which, at Lord George's request, the turnkey took to Mr. Akerman. Upon all this, and notwithstanding his lordship's defence, the jury without hesitation returned a verdict of guilty against him for having written and published the libel as alleged.

Before sentence the court passed on to the consideration of a second libel, published by Lord George Gordon in the 'Public Advertizer.' This was an account of his visit to the French embassy accompanied by the notorious Count Cagliostro, whose cause, like that of the Newgate prisoners, Lord George had warmly espoused. The article enlarged upon the merits and sufferings of the count, and reflected

severely upon Marie Antoinette, at that time Queen of France, the French ambassador, and the secretary of the embassy. The defence of the diplomatic body, no less than of that of a royal personage, was undertaken by the Government. Lord George attempted to justify all that he had written. Count Cagliostro, he averred, had been persecuted by a faction in Paris, of which the queen was the head; and although acquitted by the Parliament of Paris, Count d'Adhemar, the French ambassador, had continued to vilify him by inserting infamous paragraphs about him in the 'Courrier de l'Europe,' a French paper published in London. "Count d'Adhemar," said Lord George, "was a low man of no family; but being plausible and clever, had pushed himself forward to the notice of men in authority; in short, what Jenkinson was in Britain, d'Adhemar was in France." This allusion to Lord Hawkesbury* caused a great laugh in the court. Lord George went on to indulge in very scurrilous abuse of Marie Antoinette. He said he was charged with libelling the Queen of France, whereas that was impossible, as her character was well known in every street in Paris. He could only compare her to Catherine of Russia. "He was proceeding in this strain," says the report of the trial, "when the court was compelled

* The Right Honourable Charles Jenkinson was created Lord Hawkesbury in 1787, and made Chancellor of the Duchy of Lancaster, as well as President of the Board of Trade. He was an authority in all mercantile and commercial affairs.

to interfere, and the Attorney-General told him he was a disgrace to the name of Briton."

Although Lord George contended that what he had published was no libel, as it contained nothing but truth of Count Cagliostro, who had as much right as Count d'Adhemar, or any other foreigner, to the protection of the laws, the jury promptly returned a verdict of guilty on this count. The court then passed sentence, and addressed his lordship in scathing terms. The judge told him that his "petition" was calculated to excite insurrection, discontent, and sedition, and that he might make a better use of Bible phraseology than employ it for the wicked purpose of undermining the laws of his country. "One is sorry," remarked Mr. Justice Ashurst, "that you, descended of an illustrious line of ancestors, should have so much dishonoured your family . . . . that you should prefer the mean ambition of being popular among thieves and pickpockets, and to stand as the champion of mischief, anarchy, and confusion." As to the second libel, the judge charged the prisoner with endeavouring to rekindle animosities between the two nations, France and England, now once more at peace, by personal abuse of the sovereign of one of them. He (Lord George) had insulted her most Christian Majesty, and it was highly necessary to repress an offence of so dangerous a nature. As his crime consisted of two parts, Lord George Gordon must be subjected to two different sentences. For the first,

the publication of the "prisoners' petition," the judge awarded him three years' imprisonment in Newgate. For the second offence, being "trespasses, contempts, and misdemeanours against the royal consort of his most Christian Majesty," the sentence was a fine of £500, with a further imprisonment in Newgate at the termination of the other three; and in addition he was required to give security for fourteen years for his good behaviour, himself in £10,000, and two sureties of £2500 each.

Lord George Gordon remained in Newgate till his death, from gaol-fever, in 1793. He made two or three ineffectual attempts to put in his bail, but they were objected to as insufficient. It was thought to the last that the government and his friends sought pretences to keep him in confinement and out of mischief. His somewhat premature death must have been a relief to them. But it can hardly be denied that hard measure was meted out to him, and if he escaped too easily at his first trial, he was too heavily punished at the second. It is impossible to absolve him from responsibility for the outrages committed by the rioters in 1780, although he was doubtless shocked at their excesses. Lord George could not have foreseen the terrible consequences which would follow his rash agitation, and little knew how dangerous were the elements of disturbance he unchained. But it can hardly be denied that he meant well. Had he lived a century later, he would probably have found a more legitimate outlet for his peculiar tend-

encies, and would have figured as an ardent philanthropist and platform orator, instead of as a criminal in the dock.

Two more facts must be mentioned concerning these riots and the successful attacks on Newgate. The first is with regard to the prison keys. I find it recorded in Southey's Commonplace Book (Book iv. p. 371), that on draining the basin in St. James's Square for the purpose of erecting a statue of King William IV. there, the keys of Newgate were found at the bottom. These keys had been stolen at the fire in 1780, and thrown in here. A quantity of iron chains and fetters were recovered at the same time. The second fact is the probable extent of the damage done, as shown by the amount required for repairs. This must have been about £20,000. I see by the report of a Committee of the House of Commons, dated May 16, 1782, that a sum of £10,000 had been voted to meet the repairs of Newgate, and again in February 1783, at a Court of Common Council, a motion was made to petition Parliament for the grant of a further sum of £10,000 to complete these repairs.

END OF VOL. I.

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